

FINAL STATUS OF RESOURCE LEGISLATION IN THE 51ST MONTANA LEGISLATURE

Montana Environmental Quality Council
Capitol Station
Helena, Montana 59620
(406) 444-3742

1989

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State Capitol
Helena, Montana 59620
(406)444-3742

PREFACE

The 51st Montana Legislature was an active session for natural resource legislation, with major new initiatives approved in water management, state oversight of private forest practices, and hazardous materials management. Legislators also strengthened a number of existing programs to protect water quality.

Because of the recent prolonged drought, water use was the most emotional and hotly debated issue at the 1989 Legislature. House Bill 707 originally authorized private water rights holders to lease their water rights to the state to provide instream flows for fisheries during periods of water shortage. The heavily amended bill passed in the last days of the session and provides for a pilot project by the Department of Fish, Wildlife, and Parks. During the project, the DFWP is directed to lease water on up to five streams.

The Legislature also enacted HB 463, providing for non-binding mediation of water right disputes in drainages suffering from water shortages, but failed to establish a Drought Policy Commission (HB 462) or to allow objections to new water use permits based on water quality considerations (HB 584). A series of bills endorsed by the Legislature's Water Policy Committee (SB 166, SB 167, SB 168, and SB 169) to revise state water adjudication procedures gained approval.

In the forest practices arena, the Legislature passed HB 678, which requires individuals or corporations to notify the Montana Department of State Lands before beginning timber operations on

their lands. The bill also allows the department to conduct an on-site consultation to review site-specific watershed concerns with the logger. This bill, sponsored by the Environmental Quality Council, was a result of an EQC interim study under House Joint Resolution 49, which was passed by the 1987 Legislature. A bill that was killed, HB 715, would have established strict regulation of forest practices in a 25-foot corridor on each side of a stream.

Funding for hazardous materials management programs in Montana was addressed by a number of bills. HB 603 establishes a penny-a-gallon petroleum storage tank cleanup fee to be paid by gasoline distributors. Proceeds from the fee will go to a fund to assist petroleum tank owners with cleanup and liability coverage if a leak is detected. House Bill 752 establishes a two-year moratorium on import of solid waste into Montana and provides a fee (\$1 per ton) for import after the moratorium. Senate Bill 385 strengthens state authority to require responsible parties to clean up hazardous waste sites.

A number of other bills protected water quality. A major mining-related bill, HB 679, reduces the small-miner exemption from five acres to two acres for placer or dredge operations. Another bill, HB 680, requires miners to obtain operating permits for areas where cyanide solution is used for ore processing. The voluminous HB 757 provides some regulation of agricultural chemicals in groundwater. House Bill 486 allows the Department of Health and Environmental Sciences to require solid waste landfills serving more than 5,000 people to monitor groundwater quality.

Improvement of fish and wildlife habitat was the subject of two successful bills -- SB 33, which earmarks about \$500,000 of hunting license proceeds annually to improve game bird habitat, and HB 754, which establishes a river restoration program funded by a fishing license fee.

Two joint resolutions call for interim studies by the Environmental Quality Council. Senate Joint Resolution 19 requests a study of state solid waste management policy, and SJ 22 asks the EQC to study the protection and management of groundwater quality in Montana.

The Environmental Quality Council is a legislative state agency, made up of four Representatives, four Senators, four public members, and a representative of the Governor's Office. The Council's five staff members draft natural resource legislation, staff legislative committees, and perform interim studies.

The Environmental Quality Council prepared the **Final Status of Natural Resource Issues in the 51st Montana Legislature** as a service to legislators, lobbyists, and the public. It provides an overview of 1989's natural resource issues, and can be used to plan future environmental legislation.

The bills in the status are organized by subject, number, and status (passed or killed). The information on each bill includes the number, sponsor, short title, long title, committee hearings, and relevant votes.

The Montana Environmental Policy Act, enacted in 1971, charges the Environmental Quality Council with researching and reviewing state regulations and policies affecting Montana's environment, and recommending measures to promote the general welfare of present and future generations of Montanans. For more information on EQC publications and activities, contact the Environmental Quality Council, Capitol Station, Helena, MT 59620, (406) 444-3742.

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1989

AIR QUALITY

PASSED

HB 469 Addy

APPROPRIATING FUNDS FOR AIR QUALITY MONITORING IN YELLOWSTONE COUNTY

An act to appropriate to the Department of Health and Environmental Sciences \$50,000 for the continued operation of air quality monitoring stations in Yellowstone County, contingent upon continued monitoring by private industries; and providing an effective date.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 78-13; Senate 50-0
Third Reading Votes: House 73-19; Senate 45-4

SB 270 Williams

ASBESTOS CERTIFICATION AND PERMIT PROGRAM

An act establishing standards for training and accreditation for asbestos workers; allowing the Department of Health and Environmental Sciences to require permits for asbestos projects and charge fees for persons working with asbestos; limiting the time for processing of certain asbestos project permits; allowing the Department to establish criteria for asbestos projects; creating an advisory committee for rulemaking; providing for criminal and civil penalties; and providing effective dates.

Committee Hearings: Senate Public Health, Welfare and Safety
House Labor and Employee Relations
Second Reading Votes: Senate 48-1; House 87-6
Third Reading Votes: Senate 45-3; House 98-0

SB 426 Rasmussen

ALLOW PROPRIETOR TO DESIGNATE ENTIRE PUBLIC PLACE AS A NON-SMOKING AREA

An act to revise the Montana Clean Indoor Air Act to allow the proprietor or manager of an enclosed public place to designate and reserve the entire area as a non-smoking area; and providing an immediate effective date.

Amending section 50-40-104, MCA.

Committee Hearings: Senate Public Health, Welfare and Safety
House Human Services

Second Reading Votes: Senate 46-4; House 81-17

Third Reading Votes: Senate 41-9; House 78-19

SB 465 Pipinich

ALLOW STATE BOARD OF HEALTH TO IMPOSE FEES FOR OPEN BURNING PERMITS

An act allowing the Department of Health and Environmental Sciences to receive contributions for any permits required to control emissions from major open burning of timber slash; excluding agricultural stubbles and other crop residues; creating a smoke management account for deposit of the contributions; and providing an effective date and a termination date.

Committee Hearings: Senate Finance and Claims
House Natural Resources

Second Reading Votes: Senate 23-19; House 52-48

Third Reading Votes: Senate 28-22; House 41-49

House amended, Senate not concurred 31-14.

Free Conference Committee: Senate 48-2; House 62-32

KILLED

HB 410 Kadas

ALLOWING A \$1 MOTOR VEHICLE FEE FOR LOCAL AIR POLLUTION PROGRAMS

An act allowing a local air pollution control program fee of up to \$1 to be assessed by a county against certain motor vehicles; and providing an applicability date.

Amending section 75-2-301, MCA.

Committee Hearings: House Local Government
House Adverse Committee Report Adopted 52-47.

HB 608 Whalen

REQUIRING CONTINUOUS EMISSION MONITORS ON CERTAIN SULFUR DIOXIDE SOURCES

An act requiring certain sources of air pollution to install, calibrate, maintain, and operate equipment for continuously monitoring and recording emissions of sulfur dioxide.

Committee Hearings: House Natural Resources
Tabled in House Committee.

ENERGY

Major Facility Siting

KILLED

SB 223 Keating

REDEFINING THE MAJOR FACILITY SITING ACT DEFINITION OF UTILITY

An act to revise the major facility siting act by redefining the term "utility"; clarifying that a nonutility is not required to demonstrate the need for a proposed facility in an application or long-range plan; providing that the Board of Natural Resources and Conservation may not consider alternative products from a facility proposed by a nonutility.

Amending sections 75-20-102, 75-20-104, 75-20-201, 75-20-211, 75-20-301, 75-20-303, 75-20-501, and 85-15-107, MCA.

Committee Hearings: Senate Natural Resources
House Natural Resources

Second Reading Votes: Senate 28-22

Third Reading Votes: Senate 30-20

Tabled in House Committee.

Renewable Energy and Conservation

PASSED

HB 526 Iverson

ENDING ALTERNATIVE ENERGY ALLOCATION FROM COAL SEVERANCE TAX

An act eliminating the allocation of Coal Severance Tax revenues to the alternative energy and energy conservation research development and demonstration account; transferring the unobligated cash balance from the alternative energy and energy conservation research development and demonstration account to the general fund; and providing an effective date.

Amending sections 15-35-108, 22-2-304, 90-3-101, and 90-4-103, MCA.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 77-13; Senate 49-0
Third Reading Votes: House 79-19; Senate 47-1

HB 750 Quilici

BONDS--STATE BUILDING ENERGY CONSERVATION PROGRAM

An act to create a state building energy conservation program; establishing a state building energy conservation program account; assigning responsibility to the Department of Natural Resources and Conservation; providing for the issuance of general obligation bonds to fund the program; approving energy conservation projects for the 1990-91 biennium in the amount of \$3 million; statutorily appropriating to the Department of Natural Resources and Conservation all money received under the program; pledging the credit of the State of Montana to secure the bonds to be issued; and providing an immediate effective date.

Amending section 17-7-502, MCA.

Committee Hearings: House Natural Resources
Senate Finance and Claims
Second Reading Votes: House 89-0; Senate 48-1
Third Reading Votes: House 91-0; Senate 50-0

SB 243 Keating

DELETE REQUIREMENT THAT DEPARTMENT OF REVENUE PROVIDE FORM FOR ENERGY-CONSERVING EXPENSE

An act to eliminate the requirement that the Department of Revenue provide application forms for approving energy-conserving investment deductions and credits.

Amending sections 15-32-103 and 15-32-106, MCA.

Committee Hearings: Senate Natural Resources
House Natural Resources
Second Reading Votes: Senate 48-0; House 91-0
Third Reading Votes: Senate 49-0; House 94-0

Other

PASSED

HB 420 Koehnke

EXTENDING THE TAX INCENTIVE FOR ALCOHOL USED IN GASOHOL

An act to extend the tax incentive for the production of alcohol that is blended or is to be blended as gasohol; and providing an immediate effective date and a contingent retroactive applicability date.

Amending section 15-70-522, MCA.

Committee Hearings: House Taxation
Senate Taxation

Second Reading Votes: House 86-7; Senate 50-0

Third Reading Votes: House 80-11; Senate 47-2

Senate amended, House concurred 97-1.

SB 257 Rapp-Svrcek

CREDIT FOR GAS AND SPECIAL FUELS TAX ON UNPAID SALES

An act to allow a credit on gasoline or special fuels taxes paid by a gasoline distributor or special fuel dealer on unpaid accounts.

Amending sections 15-70-221, 15-70-225, and 15-70-328, MCA.

Committee Hearings: Senate Taxation
House Taxation

Second Reading Votes: Senate 29-12; House 93-4

Third Reading Votes: Senate 42-7; House 95-2

ENVIRONMENTAL QUALITY

Administration

PASSED

HB 82 O'Keefe

DESIGNATE ARBOR DAY AS OFFICIAL DAY OF OBSERVANCE IN MONTANA

An act designating the last friday of April as Arbor Day and as an official day of observance in Montana; and providing an immediate effective date.

Committee Hearings: House State Administration
Senate Natural Resources
Second Reading Votes: House 96-1; Senate 50-0
Third Reading Votes: House 89-1; Senate 49-0

HB 352 Elliott

REVISE REMOVAL OF CONSERVATION DISTRICT SUPERVISOR

An act to clarify what constitutes a vacancy in the office of conservation district supervisor and cause of removal of a conservation district supervisor.

Amending sections 76-15-312 and 76-15-314, MCA.

Committee Hearings: House Agriculture
Senate Agriculture
Second Reading Votes: House 97-0; Senate 49-0
Third Reading Votes: House 95-0; Senate 44-0

HB 775 Connelly

WATER DEVELOPMENT LOANS AND GRANTS

An act to appropriate money to the Department of Natural Resources and Conservation for loans and grants under the water development program and the renewable resource development program; to authorize loans from water development bond proceeds

and appropriate funds for debt service; to reauthorize grants and loans approved by the 50th Legislature; to reallocate certain resource indemnity trust account interest income for water development program grants during the biennium ending June 30, 1991; to place certain conditions upon grants and loans; and providing an immediate effective date.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 98-0; Senate 49-0
Third Reading Votes: House 96-2; Senate 45-1
Senate amended, House concurred 92-7.

HB 776 Connelly

RECLAMATION AND DEVELOPMENT GRANTS

An act appropriating money to the Department of Natural Resources and Conservation for grants for designated projects under the reclamation and development grants program; prioritizing grants and amounts; and establishing conditions for grants.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 96-2; Senate 49-0
Third Reading Votes: House 93-4; Senate 47-1
Senate amended, House concurred 94-5.

HB 777 Connelly

APPROPRIATE MONEY FOR CAPITAL PROJECTS

An act to appropriate money for capital projects and to authorize the issuance and sale of general obligation long-range building program bonds; to appropriate the proceeds of the bonds for capital projects for the biennium ending June 30, 1991; to provide for an agreement between the Board of Examiners and the Department of Fish, Wildlife, and Parks; to provide for a new agreement between the Board of Examiners and the Board of Regents; to provide for other matters relating to the appropriations; and providing an immediate effective date.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 65-33; Senate 37-8
Third Reading Votes: House 77-21; Senate 44-4
Senate amended, House concurred 87-11.

HB 778 Connelly

WATER DEVELOPMENT LOANS

An act to appropriate money to the Department of Natural Resources and Conservation for loans under the water development program; to approve the issuance of coal severance tax bonds to provide funds for loans to political subdivisions and local governments for certain approved water development projects; to reauthorize coal severance tax bonds for certain projects approved by the 50th Legislature; to appropriate coal severance tax income for debt service; to authorize the creation of a state debt; to place certain conditions upon loans; and providing an immediate effective date.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 88-7; Senate 49-0
Third Reading Votes: House 92-6; Senate 47-1

SB 388 Eck

CREATE MONTANA CONSERVATION CORPS WITH PARKS DIVISION IN FWP

An act to create a Montana Conservation Corps within the parks division of the Department of Fish, Wildlife, and Parks; and providing an effective date.

Committee Hearings: Senate Fish and Game
House Fish and Game
Second Reading Votes: Senate 50-0; House 98-0
Third Reading Votes: Senate 50-0; House 97-0
House amended, Senate concurred 45-4.

Montana Environmental Policy Act

KILLED

SB 327 Keating

EXEMPT CERTAIN AGENCY ACTIONS FROM MEPA EXCEPT UNDER CERTAIN CONDITIONS

An act exempting certain actions by agencies of state government from requirements of the Montana Environmental Policy Act; allowing agencies to find on a case-by-case basis that an exempted action or combination of actions is a major action significantly affecting the quality of the human environment;

requiring agencies to adopt this finding as a declaratory ruling pursuant to the Montana Administrative Procedure Act.

Amending sections 2-4-501 and 75-1-201, MCA.

Committee Hearings: Senate Natural Resources
House Natural Resources

Second Reading Votes: Senate 26-24

Third Reading Votes: Senate 29-21

Tabled in House Committee.

FISH AND WILDLIFE

Hunting, Fishing, Trapping, Outfitting

PASSED

HB 120 Giacometto

REVISE NONRESIDENT FUR DEALER LICENSE FEE

An act establishing the nonresident fur dealer's license fee at the rate set for a similar license in the nonresident's state of residence or \$50 if there is no rate set.

Amending section 87-4-304, MCA.

Committee Hearings: House Business and Industry
Senate Fish and Game

Second Reading Votes: House 87-7; Senate 46-0

Third Reading Votes: House 92-5; Senate 47-0
Senate amended, House concurred 87-7.

HB 174 Grinde

LIFETIME FISHING LICENSE FOR THE BLIND

An act establishing a lifetime fishing license for the blind; and providing an immediate effective date.

Amending sections 87-2-201 and 87-2-803, MCA.

Committee Hearings: House Fish and Game
Senate Fish and Game

Second Reading Votes: House 94-1; Senate 47-0

Third Reading Votes: House 94-2; Senate 47-0

HB 186 Ream

REVISE FISH AND WILDLIFE RESTITUTION LAWS

An act to revise the fish and wildlife restitution laws by specifically providing for forfeiture of bond or bail; and providing an immediate effective date.

Amending sections 46-9-504, 87-1-111, 87-1-112, and 87-1-114, MCA.

Committee Hearings: House Fish and Game
Senate Fish and Game
Second Reading Votes: House 92-4; Senate 39-6
Third Reading Votes: House 93-3; Senate 43-7

HB 289 Johnson

ALLOW DONATION OF PADDLEFISH ROE FOR CAVIAR PRODUCTION

An act allowing the donation of paddlefish roe to a nonprofit corporation for use in caviar production; designating how profits realized from the sale of caviar are to be used; increasing restitution on illegal killing or possession of paddlefish; and providing an effective date and a termination date.

Amending sections 87-1-111, 87-3-111, and 87-4-601, MCA.

Committee Hearings: House Fish and Game
Senate Fish and Game
Second Reading Votes: House 86-11; Senate 46-3
Third Reading Votes: House 85-11; Senate 40-8
Senate amended, House concurred 88-2.

HB 290 Giacometto

REVISE ICE FISHING RESTRICTIONS

An act permitting persons to fish through ice with unattended lines or rods if they are within visual contact with their lines or rods; and providing an immediate effective date.

Amending section 87-3-204, MCA.

Committee Hearings: House Fish and Game
Senate Fish and Game
Second Reading Votes: House 89-4; Senate 46-1
Third Reading Votes: House 90-7; Senate 50-0
Senate amended, House concurred 86-3.

HB 307 Hoffman, R.

PROVIDE FOR NOMINATION OF OUTFITTERS BY MAIL-IN BALLOT

An act providing that nomination or election of outfitters to the Board of Outfitters and Montana Outfitters' Council be by notarized mail-in ballot rather than by attendance at a meeting; eliminating the annual meeting for nomination or election; requiring that one member of the Board or Council be engaged in the fishing outfitting business.

Amending section 2-15-1883, MCA.

Committee Hearings: House Fish and Game
Senate Fish and Game
Second Reading Votes: House 89-10; Senate 30-11
Third Reading Votes: House 87-11; Senate 43-5
Senate amended, House concurred 91-6.

HB 383 Ellison

GENERALLY REVISE HUNTING LICENSING STATUTES

An act to generally revise the hunting licensing statutes; lowering the age limit of persons who must obtain a waterfowl stamp to hunt waterfowl; prohibiting a person from applying for, obtaining, or possessing more than one license of a class unless authorized by the Fish and Game Commission; and providing an effective date.

Amending sections 87-2-104, 87-2-411, and 87-2-702, MCA.

Committee Hearings: House Fish and Game
Senate Fish and Game
Second Reading Votes: House 89-7; Senate 47-0
Third Reading Votes: House 87-7; Senate 46-2

HB 478 Roth

REQUIRE REVENUE DEPT TO PROVIDE TAX INFO TO FWP DEPT REGARDING RESIDENCY

An act generally revising the law relating to fishing and hunting licensing procedures; requiring the Department of Revenue to provide specific information available from income tax returns that is requested by the Department of Fish, Wildlife, and Parks for purposes of determining the residency of applicants for hunting and fishing licenses; allowing the Department to prosecute a license application violation within 3 years of application; and providing an immediate effective date.

Amending sections 15-30-303 and 87-2-106, MCA.

Committee Hearings: House Fish and Game
Senate Fish and Game
Second Reading Votes: House 79-15; Senate 49-0
Third Reading Votes: House 87-11; Senate 46-1
Senate amended, House concurred 85-7.

HB 754 Harper

*ESTABLISHING RIVER RESTORATION PROGRAM THROUGH FISHING LICENSE
FEE INCREASE*

An act establishing a river restoration program and a river restoration account; funding the account through a 50-cent increase in the cost of a class A resident fishing license and a class AAA sportsman's license and a \$1 increase in the cost of a class B nonresident fishing license; and providing an effective date and an applicability date.

Amending section 8, chapter 636, Laws of 1987, and sections 87-2-301, 87-2-302, and 87-2-711, MCA.

Committee Hearings: House Natural Resources
Senate Agriculture
Second Reading Votes: House 55-40; Senate 30-14
Third Reading Votes: House 49-48; Senate 36-12
Senate amended, House concurred 81-16.

SB 33 Bishop

RENAME AND REVISE UPLAND GAME BIRD ENHANCEMENT PROGRAM

An act to rename the pheasant enhancement program as the upland game bird enhancement program; to provide for the funding of upland game bird habitat enhancement through a portion of program proceeds; and providing an immediate effective date.

Amending sections 87-1-246 through 87-1-250, MCA.

Committee Hearings: Senate Fish and Game
House Fish and Game
Second Reading Votes: Senate 38-10; House 80-7
Third Reading Votes: Senate 39-7; House 87-4

SB 39 Bishop

PENALTY FOR APPLYING FOR SPECIAL HUNTING LICENSE WITHIN 5 YEARS OF VIOLATION

An act to prohibit a person who is convicted of violating certain state hunting and fishing laws from applying for a special license within 5 years after the conviction.

Amending section 87-1-102, MCA.

Committee Hearings: Senate Fish and Game
House Fish and Game
Second Reading Votes: Senate 34-14; House 86-6
Third Reading Votes: Senate 39-11; House 88-5

SB 56 Jenkins

REVISE LANDOWNER ELK HUNTING PREFERENCE

An act revising the landowner elk hunting preference by clarifying that a landowner who is granted a special elk permit is not restricted to hunting only on his own land; and providing an immediate effective date.

Amending section 87-2-705, MCA.

Committee Hearings: Senate Fish and Game
House Fish and Game
Second Reading Votes: Senate 34-6; House 75-10
Third Reading Votes: Senate 48-1; House 84-10

SB 153 Rasmussen

OUTFITTER MAY RETAIN GUIDE AS INDEPENDENT CONTRACTOR

An act to clarify that an outfitter licensed under title 37, chapter 47, may retain the services of a professional guide acting as an independent contractor in the hunting or taking of game birds or fish.

Amending sections 37-47-101, 37-47-301, 37-47-304, 37-47-309, and 37-47-341, MCA.

Committee Hearings: Senate Business and Industry
House Labor and Employee Relations
Second Reading Votes: Senate 34-9; House 82-2
Third Reading Votes: Senate 45-5; House 88-7
House amended, Senate not concurred 40-1.
Free Conference Committee: Senate 47-3; House 93-4

SB 219 Walker

*ESTABLISH HUNTING ACCESS REQUIREMENTS FOR GAME DAMAGE ASSISTANCE
ELIGIBILITY*

An act establishing public hunting requirements necessary for landowner eligibility for game damage assistance; granting the Department of Fish, Wildlife, and Parks the discretion to provide game damage assistance in certain circumstances when public hunting is denied.

Amending section 87-1-225, MCA.

Committee Hearings: Senate Fish and Game
House Fish and Game

Second Reading Votes: Senate 50-0; House 69-24

Third Reading Votes: Senate 49-0; House 76-21
House amended, Senate concurred 49-0.

SB 236 Severson

COMPULSORY ELK KILL REPORTING

An act providing for better elk management by the Department of Fish, Wildlife, and Parks by requiring that a person issued a special elk permit for an area with no general elk hunting notify the Department within 10 days of a successful elk hunt; providing for notification of unsuccessful hunts; providing for withholding of special elk permit privilege as a penalty for failure to notify; and providing an immediate effective date and a termination date.

Committee Hearings: Senate Fish and Game
House Fish and Game

Second Reading Votes: Senate 42-0; House 76-9

Third Reading Votes: Senate 50-0; House 85-10

SB 237 Severson

LIMIT COW ELK PERMIT TO TAKING OF COW ELK

An act allowing a nonresident to possess a class A-7 antlerless elk license; removing the restriction that class A-7 antlerless elk licenses be used only for surplus antlerless elk; and providing an delayed effective date.

Amending section 87-2-501, MCA.

Committee Hearings: Senate Fish and Game
House Fish and Game
Second Reading Votes: Senate 46-0; House 88-5
Third Reading Votes: Senate 47-0; House 87-6
House amended, Senate concurred 49-0.

SB 294 Rapp-Svrcek

*REGULATION OF TAKING OF AQUATIC FISH FOOD ORGANISMS FOR
COMMERCIAL SALE*

An act to allow the Department of Fish, Wildlife, and Parks to regulate the commercial taking of aquatic fish food organisms, including crayfish; and providing an immediate effective date.

Repealing section 87-4-604, MCA.

Committee Hearings: Senate Fish and Game
House Fish and Game
Second Reading Votes: Senate 47-0; House 87-4
Third Reading Votes: Senate 46-2; House 96-3

SB 446 Yellowtail

AUTHORIZE FWP TO ISSUE JOINT LICENSES WITH THE FLATHEAD TRIBES

An act authorizing the Department of Fish, Wildlife, and Parks to allow members of the Confederated Salish and Kootenai Tribes of the Flathead Reservation to hunt and fish off reservation on open and unclaimed lands without state licenses, permits, or stamps; authorizing the issuing of hunting and fishing licenses, permits, and stamps jointly with the Confederated Salish and Kootenai Tribes; authorizing revenues from the sale of joint licenses, permits, and stamps to be remitted to the tribal council; transferring to the tribal council fines and restitution collected for certain fish and wildlife violations; granting responsibility for redress of fish and game violations to state or tribal courts; providing for public meetings and comment prior to conclusion of a negotiated agreement.

Amending section 87-1-228, MCA.

Committee Hearings: Senate Fish and Game
House Judiciary
Second Reading Votes: Senate 28-21; House 60-35
Third Reading Votes: Senate 28-16; House 54-41

KILLED

HB 246 Ellison

REGULATE ARCHERY HUNTING; RESTRICT ARCHERY LICENSES TO SPECIAL SEASON

An act regulating the hunting of game animals by bow and arrow; restricting the use of archery licenses to the archery season.

Amending section 87-2-708, MCA.

Committee Hearings: House Fish and Game
Tabled in House Committee.

HB 283 Harper

PROVIDE FOR HUMANE TREATMENT OF FUR FARM ANIMALS

An act providing for the humane treatment of fur farm animals; requiring compliance with humane treatment standards as a condition of fur farm licensure.

Amending sections 87-4-1003 and 87-4-1011, MCA.

Committee Hearings: House Fish and Game
Senate Fish and Game

Second Reading Votes: House 64-33

Third Reading Votes: House 61-38

Died in Senate Committee.

HB 342 Darko

PROHIBIT USE OF RIMFIRE AMMUNITION IN HUNTING OF GAME ANIMALS

An act to prohibit the use of rimfire ammunition in the hunting of a game animal, except a mountain lion, unless killing a wounded game animal; and providing an immediate effective date.

Committee Hearings: House Fish and Game
Senate Fish and Game

Second Reading Votes: House 72-23; Senate 30-11

Third Reading Votes: House 74-24; Senate 37-13

Vetoed by Governor.

HB 356 Phillips

ALLOW USE OF DOGS IN HUNTING OF LYNX

An act to allow the use of dogs in the hunting of lynx.

Amending section 87-3-124, MCA.

Committee Hearings: House Fish and Game

Second Reading Votes: House 38-60

HB 379 Elliott

ARCHERY EQUIPMENT RESTRICTIONS FOR HUNTING GAME ANIMALS

An act regulating equipment that may be used by archers in hunting game animals; and providing an immediate effective date.

Committee Hearings: House Fish and Game

House Adverse Committee Report Adopted 86-6.

HB 403 Ellison

STATE FUNDING FOR DEVELOPMENT OF SHOOTING RANGES

An act appropriating money to the Department of Fish, Wildlife, and Parks for grants for the establishment and improvement of shooting ranges; establishing shooting range development grants and criteria for the grants; and providing an immediate effective date.

Committee Hearings: House Fish and Game

House Appropriations

Tabled in House Appropriations Committee.

HB 520 Daily

LIMIT OUTFITTERS TO TWO RIVERS WHEN PROVIDING FISHING SERVICES

An act limiting licensed outfitters to providing fishing services on two rivers of their choice during a license period; providing a penalty; and providing an immediate effective date.

Amending sections 37-47-304 and 37-47-341, MCA.

Committee Hearings: House Fish and Game

Tabled in House Committee.

HB 551 Harrington

ALLOW RESIDENT MINORS UNDER AGE 12 TO FISH WITH LIVE BAIT IN ALL WATERS

An act to allow a resident minor under 12 years of age to fish during open season with live bait or lures in any Montana waters.

Amending section 87-2-805, MCA.

Committee Hearings: House Fish and Game
House Adverse Committee Report Adopted 69-1.

SB 6 Bishop

REMOVE PENALTY FOR CERTAIN GAME TAG VIOLATIONS DISCOVERED AT CHECK STATIONS

An act to provide that a courtesy citation be issued for the first offense for noncompliance with game tagging requirements discovered at a game checking station when the noncompliance is by a hunter or fisherman who voluntarily stops at a game checking station.

Amending section 87-1-208, MCA.

Committee Hearings: Senate Fish and Game
Second Reading Votes: Senate 31-19
Third Reading Votes: Senate 19-31

SB 47 Bengtson

DELETE OPEN SEASON RESTRICTION ON MOURNING DOVES

An act to remove the open season restriction on mourning doves so that the hunting season may be fixed by the Fish and Game Commission in the same manner as for other migratory game birds; and providing an immediate effective date.

Amending section 87-2-101, MCA.

Committee Hearings: Senate Fish and Game
Second Reading Votes: Senate 24-20
Third Reading Votes: Senate 21-27

SB 48 Pipinich

*7-YEAR RESTRICTION ON SPECIAL HUNTING PERMITS FOLLOWING
SUCCESSFUL HUNT*

An act adding a 7-year restriction to the issuance of special licenses for persons who successfully hunt certain game animals.

Amending section 87-2-702, MCA.

Committee Hearings: Senate Fish and Game
House Fish and Game

Second Reading Votes: Senate 47-0

Third Reading Votes: Senate 50-0

House Adverse Committee Report Adopted 82-9.

SB 144 Jenkins

REVISE SYSTEM FOR DRAWING SPECIAL ELK PERMITS

An act revising the system for drawing special elk permits by designating the site, time, and manner in which the drawing is to be held; and providing an immediate effective date.

Amending section 87-2-705, MCA.

Committee Hearings: Senate Fish and Game
Senate Adverse Committee Report Adopted 44-4.

SB 240 Jenkins

*ALLOW DISABLED PERSON OR PERSON OVER 65 TO DESIGNATE ANOTHER
HUNTER*

An act to allow a resident who is disabled to receive certification to name another person to shoot a deer as permitted under the certified person's license.

Committee Hearings: Senate Fish and Game
House Fish and Game

Second Reading Votes: Senate 40-9

Third Reading Votes: Senate 32-18

House Adverse Committee Report Adopted 64-27.

SB 306 Jenkins

ALL CLASS A-4 DEER LICENSES TO BE SOLD IN TOWN NEAREST HUNTING DISTRICT

An act to require the Department of Fish, Wildlife, and Parks to make all class A-4 licenses with unlimited quotas available for sale by license agents in the city or town nearest to the hunting district for which the license is valid; and providing an immediate effective date.

Amending section 87-2-501, MCA.

Committee Hearings: Senate Fish and Game
Died in Process.

General

PASSED

HB 426 Wallin

MAKE PERMANENT THE AVICULTURAL PERMIT SYSTEM FOR TAKING MIGRATORY GAME BIRDS

An act making permanent the authority of the Department of Fish, Wildlife, and Parks to issue avicultural permits for the taking of migratory game birds for propagation purposes; and providing an immediate effective date.

Repealing section 4, chapter 262, Laws of 1985.

Committee Hearings: House Fish and Game
Senate Fish and Game
Second Reading Votes: House 96-0; Senate 49-0
Third Reading Votes: House 96-0; Senate 43-1

HB 720 Giacometto

REQUIRE ECONOMIC IMPACT ANALYSIS OF WILDLIFE HABITAT ACQUISITION

An act to require a social and economic impact analysis of any wildlife habitat acquisition by the Fish and Game Commission; and providing an immediate effective date.

Amending section 87-1-241, MCA.

Committee Hearings: House Fish and Game
Senate Fish and Game
Second Reading Votes: House 96-2; Senate 46-0
Third Reading Votes: House 97-3; Senate 47-2
Senate amended, House concurred 86-4.

HJ 6 O'Keefe

RESOLUTION SUPPORTING GOVERNOR'S CUP SLED DOG RACE

A Joint Resolution of the Senate and the House of Representatives of the State of Montana acknowledging and supporting the Montana Centennial sled dog race.

Committee Hearings: House Natural Resources
Senate Fish and Game
Second Reading Votes: House Consent Cal.; Senate 47-0
Third Reading Votes: House 94-1; Senate 49-0

HJ 30 Clark

HAPPY TRAILS -- SUPPORT FOR GREAT MONTANA CENTENNIAL CATTLE DRIVE

A Joint Resolution of the Senate and the House of Representatives of the State of Montana acknowledgin' and supportin' the Great Montana Centennial Cattle Drive.

Committee Hearings: House State Administration
Senate Fish and Game
Second Reading Votes: House 85-4; Senate 50-0
Third Reading Votes: House 91-3; Senate 48-2

HJ 32 Ream

URGE NATIONAL PARK SERVICE TO IMPLEMENT MANAGEMENT OF ELK AND BISON IN PARK

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the National Park Service, U.S. Forest Service, and Montana Department of Fish, Wildlife, and Parks to take immediate action to seek and implement solutions for the long-term management of elk and bison in the Yellowstone ecosystem.

Committee Hearings: House Fish and Game
Senate Fish and Game
Second Reading Votes: House 91-5; Senate 49-0
Third Reading Votes: House 87-4; Senate 42-6

SB 260 Brown, B.

REGULATE INTRODUCTION, PROLIFERATION AND SPREAD OF UNDESIRABLE FISH

An act revising the laws relating to the introduction, proliferation, and spread of undesirable fish species and fish pathogens; regulating the intrastate movement of diseased fish or eggs; requiring permits for importation of salmonid and nonsalmonid fish or eggs; providing for inspection of fish hatcheries and culture facilities; establishing a duty to report fish pathogens; revising fish pond license regulations; and providing an immediate effective date for rulemaking authority.

Amending sections 87-3-221, 87-3-222, 87-3-224, 87-4-603, 87-5-703, and 87-5-715, MCA.

Committee Hearings: Senate Fish and Game
House Fish and Game

Second Reading Votes: Senate 38-0; House 88-0

Third Reading Votes: Senate 50-0; House 96-0

SB 231 Pipinich

RESALE OF WILDLIFE CARCASSES NOT FOR HUMAN CONSUMPTION

An act authorizing the release of carcasses purchased at auction from the State of Montana if the carcasses are not intended for human consumption; and providing an immediate effective date.

Amending section 87-1-512, MCA.

Committee Hearings: Senate Fish and Game
House Fish and Game

Second Reading Votes: Senate 50-0; House 79-1

Third Reading Votes: Senate 49-0; House 93-2

KILLED

HB 50 Cobb

MONTANA LIVESTOCK REIMBURSEMENT ACT

The Montana Livestock Reimbursement Act; establishing a program to be administered by the Department of Fish, Wildlife, and Parks to reimburse livestock owners for livestock lost to predators; granting the Department rulemaking authority to conduct the program; requiring a report to the 52nd Legislature concerning

operation of the program; providing an appropriation; and providing an effective date.

Committee Hearings: House Agriculture
Tabled in House Committee.

HB 553 Grady

APPROPRIATION FOR GOVERNOR'S CUP DOG SLED RACE

An act appropriating money to the Department of Fish, Wildlife, and Parks to be used to match money obtained from other sources to organize, promote, and conduct the Montana Governor's Cup 500-mile sled dog race.

Committee Hearings: House Business
House Motion Carried to Lay on Table 54-37.

HB 740 Daily

APPROPRIATE MONEY FOR ELK FEEDING PROGRAM

An act increasing the wildlife conservation license fee by \$1; providing that the increased revenue from the fee be used for an elk feeding program; appropriating money from the general fund to supplement the program; and providing an immediate effective date.

Amending sections 87-2-202 and 87-2-204, MCA.

Committee Hearings: House Fish and Game
House Adverse Committee Report Adopted 64-24.

HJ 26 Cohen

DIRECTING STATE FOREST MANAGEMENT CONSISTENT WITH DEER HABITAT CONSERVATION

A Joint Resolution of the Senate and the House of Representatives of the State of Montana directing the state forester to manage state forest lands to conserve wildlife and fish habitats for the best interests of the public school trust fund and the people of the state of Montana; and directing the state forester and the director of the Department of Fish, Wildlife, and Parks to work cooperatively to develop and implement standards and guidelines for managing fish and wildlife habitats on state forest lands.

Committee Hearings: House Fish and Game
Senate Fish and Game
Second Reading Votes: House 86-10
Third Reading Votes: House 83-17
Died in Senate Committee.

SB 383 Yellowtail

CHANGES STATE BIRD SYMBOL TO MAGPIE

An act designating the official state scavenger of the State of Montana to be the Black-Billed Magpie, *Pica pica*.

Committee Hearings: Senate Fish and Game
Second Reading Votes: Senate 50-0
Third Reading Votes: Senate 17-31

LAND USE

Eminent Domain

PASSED

HB 471 Glaser

WATER DISTRICT MAY GET PREDECESSOR WATER ASSN PROPERTY BY EMINENT DOMAIN

An act allowing a county water or sewer district that was formed from a private, nonprofit water association to acquire property from the association by eminent domain; and providing an immediate effective date.

Amending section 7-13-2218, MCA.

Committee Hearings: House Local Government
Senate Judiciary

Second Reading Votes: House 84-8; Senate 47-0

Third Reading Votes: House 92-4; Senate 45-2

KILLED

HB 509 Bardanouve

SALE OF LAND ALONG R.R. RIGHT-OF-WAY

An act providing a first right to leaseholders of railroad right-of-way land, to landowners adjacent to railroad right-of-way land, or to a person or entity who wishes to purchase the land for public recreational use to purchase the land; requiring the Public Service Commission to adopt rules to implement the right.

Amending section 69-14-553, MCA.

Committee Hearings: House Agriculture

Second Reading Votes: House 53-46

Third Reading Votes: House 41-55

Died in Process.

SB 334 Tveit

LEASEHOLDER'S RIGHT OF FIRST REFUSAL IN SALE OF RAILROAD RIGHT-OF-WAY

An act assuring leaseholders right of first refusal in sale of certain railroad right-of-way property.

Committee Hearings: Senate Highways
Died in Senate Committee.

Forest Lands

PASSED

HB 172 Swift

CRIME TO PUT SUBSTANCE INTO TREE OR WOOD TO HARM LOGGING OR OTHER EQUIPMENT

An act making it criminal endangerment to knowingly place in a tree, log, or any other wood a substance for the purpose of damaging a saw or other wood harvesting, processing, or manufacturing equipment.

Amending section 45-5-207, MCA.

Committee Hearings: House Judiciary
Senate Natural Resources
Second Reading Votes: House 71-22; Senate 48-1
Third Reading Votes: House 70-24; Senate 47-1
Senate amended, House concurred 93-3.

HB 657 Owens

REVISE FIRE HAZARD REDUCTION LAW

An act to generally revise the laws relating to the control of timber slash and debris; and providing an effective date.

Amending sections 76-13-401 through 76-13-403, 76-13-405 through 76-13-411, and 76-13-413, MCA; repealing section 76-13-404, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 93-2; Senate 46-0
Third Reading Votes: House 95-1; Senate 49-0
Senate amended, House concurred 89-2.

HB 678 Gilbert

PROVIDING FOR NOTIFICATION AND CONSULTATION BEFORE PRIVATE FOREST PRACTICES

An act requiring notification by an owner or operator prior to conducting forest practices on private land; providing for onsite consultation between the Department of State Lands and the operator; and providing a delayed effective date and an applicability date.

Amending sections 76-13-101, 76-13-102, 76-13-104, and 76-13-408, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 92-5; Senate 45-1
Third Reading Votes: House 98-0; Senate 34-14

HJ 23 Cobb

URGE REVIEW AND REVISION OF PRESCRIBED BURN POLICY

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the United States Department of Agriculture and the United States Forest Service to reconsider the wisdom of the "let it burn" policy and to modify the policy to reflect local conditions and to provide accountability for decisions; and urging cooperation with state and local officials and affected citizens.

Committee Hearings: House Agriculture
Senate Natural Resources
Second Reading Votes: House 75-21; Senate 49-0
Third Reading Votes: House 85-15; Senate 45-4
Senate amended, House concurred 73-18.

SB 161 Harp

ADJUSTMENT OF TIMBER PURCHASER'S NONPERFORMANCE BOND TO ACTUAL COST

An act to provide that a purchaser of state-owned timber shall post a bond equivalent to the potential loss to the state except that the bond must be in an amount equal to at least 5 percent of the estimated value of the timber sold.

Amending section 77-5-202, MCA.

Committee Hearings: Senate Natural Resources
House Natural Resources
Second Reading Votes: Senate 49-0; House 84-0
Third Reading Votes: Senate 49-0; House 94-1
House amended, Senate concurred 47-0.

SB 465 Pipinich

ALLOW STATE BOARD OF HEALTH TO IMPOSE FEES FOR OPEN BURNING PERMITS

An act allowing the Department of Health and Environmental Sciences to receive contributions for any permits required to control emissions from major open burning of timber slash; excluding agricultural stubbles and other crop residues; creating a smoke management account for deposit of the contributions; and providing an effective date and a termination date.

Committee Hearings: Senate Finance and Claims
House Natural Resources
Second Reading Votes: Senate 23-19; House 52-48
Third Reading Votes: Senate 28-22; House 41-49
House amended, Senate not concurred 31-14.
Free Conference Committee: Senate 48-2; House 62-32

SJ 2 Severson

REESTABLISH MONTANA MEMBERSHIP IN WESTERN LEGISLATIVE FORESTRY TASK FORCE

A Joint Resolution of the Senate and the House of Representatives of the State of Montana to send delegates to the Western States Legislative Forestry Task Force.

Committee Hearings: Senate Legislative Administration
House State Administration
Second Reading Votes: Senate 40-3; House Consent Cal.
Third Reading Votes: Senate 48-1; House 77-11

SJ 24 Rapp-Svrcek

JOINT RESOLUTION ASKING IDAHO TO REVISE RESTRICTIONS ON LOG EXPORTS

A Joint Resolution of the Senate and the House of Representatives of the State of Montana recognizing the diminishing supply of raw

logs available for wood processing plants; supporting a ban on the export of raw logs from the United States; and requesting the State of Idaho to reconsider and either repeal or amend a law reserving certain raw logs for processing within that state.

Committee Hearings: Senate Natural Resources
House Natural Resources
Second Reading Votes: Senate 50-0; House 84-10
Third Reading Votes: Senate 49-0; House 93-6

KILLED

HB 162 Peterson

COMMERCIAL LOG HAULERS TO BE CLASS B MOTOR CARRIERS

An act requiring log haulers to be Class B motor carriers; providing qualifications for certification for log haulers; and providing an immediate effective date for rulemaking authority and a termination date.

Amending section 69-12-102, MCA.

Committee Hearings: House Highways and Transportation
Tabled in House Committee.

HB 697 Cohen

ESTABLISHING A FOREST ROAD CONSTRUCTION OPERATOR LICENSE

An act providing for the licensing by the Department of State Lands of individuals who construct forest roads in critical watershed areas; requiring the Department to provide information relevant to obtaining a license; providing rulemaking and enforcement authority to the Department with respect to the operation of earthmoving equipment for the construction of forest roads; and providing an exemption from the sunrise audit requirement.

Committee Hearings: House Natural Resources
Tabled in House Committee.

HB 715 Ream

ESTABLISHING STREAMSIDE MANAGEMENT STANDARDS FOR TIMBER HARVESTING

An act providing management standards for the conduct of forest practices in streamside management zones; authorizing the Department of State Lands to adopt and enforce rules implementing the streamside management standards; allowing alternative forest practices in certain circumstances; authorizing the Department of State Lands to issue administrative orders for site rehabilitation; and providing penalties for noncompliance with streamside management standards.

Committee Hearings: House Natural Resources
Second Reading Votes: House 40-59

HB 781 Cohen

TIMBERLAND TAXATION BASED ON PRODUCTIVITY

An act providing for taxation of timberland based on its productive capacity rather than on the value of timber standing on the land; providing an appropriation; and providing effective dates and an applicability date.

Committee Hearings: House Appropriations
Tabled in House Committee.

HB 787 Raney

TAX ON UNPROCESSED MERCHANTABLE LOGS

An act imposing a tax on merchantable logs to which no value-added processing is performed in Montana; providing that the proceeds of the tax be placed in a nonexpendable trust fund, with the interest and income from the trust to be used for grants for research and development of value-added processing for wood products and for reforestation or for rehabilitation of areas damaged by forest practices; and providing an applicability provision.

Committee Hearings: House Taxation
Tabled in House Committee.

HB 790 Cohen

TIMBER SEVERANCE TAX

An act establishing a severance tax on timber cut in Montana; establishing a forest practices special revenue account for the Department of State Lands; statutorily appropriating the account; and providing an immediate effective date and an applicability date.

Amending section 17-7-502, MCA.

Committee Hearings: House Taxation
House Adverse Committee Report Adopted 64-34.

HJ 26 Cohen

DIRECTING STATE FOREST MANAGEMENT CONSISTENT WITH DEER HABITAT CONSERVATION

A Joint Resolution of the Senate and the House of Representatives of the State of Montana directing the state forester to manage state forest lands to conserve wildlife and fish habitats for the best interests of the public school trust fund and the people of the state of Montana; and directing the state forester and the director of the Department of Fish, Wildlife, and Parks to work cooperatively to develop and implement standards and guidelines for managing fish and wildlife habitats on state forest lands.

Committee Hearings: House Fish and Game
Senate Fish and Game

Second Reading Votes: House 86-10

Third Reading Votes: House 83-17

Died in Senate Committee.

SB 467 Eck

IMPOSING A YIELD TAX ON ALL TIMBER HARVESTED IN MONTANA

An act imposing a yield tax and a temporary surtax on all timber harvested on public and private lands; providing for the distribution of the proceeds from the yield tax and surtax to local school districts; reclassifying timberland for property tax purposes; exempting timber from property taxation; and providing an applicability date.

Amending sections 15-1-101, 15-6-133, 15-6-201, and 15-7-303, MCA.

Committee Hearings: Senate Taxation
Died in Process.

Local Government Regulation

PASSED

HB 704 Cohen

ESTABLISH 5-YEAR LIMIT ON CHALLENGES TO CREATION OF COUNTY ZONING DISTRICTS

An act requiring that an action challenging the creation of a county planning and zoning district or of a county zoning district must be filed by October 1, 1994, or within 5 years after the date of the order creating the district.

Committee Hearings: House Local Government
Senate Local Government
Second Reading Votes: House 98-0; Senate 49-0
Third Reading Votes: House 94-4; Senate 44-6

SB 261 Bishop

EXEMPTS CERTAIN BOUNDARY LINE RELOCATIONS FROM SUBDIVISION AND PLATTING ACT

An act exempting from the Montana Subdivision and Platting Act the relocation of a common boundary line between a lot within a platted subdivision and land adjoining the platted subdivision.

Amending section 76-3-207, MCA.

Committee Hearings: Senate Local Government
House Natural Resources
Second Reading Votes: Senate 47-0; House 93-1
Third Reading Votes: Senate 48-0; House 97-0
House amended, Senate concurred 49-0.

KILLED

HB 39 Cobb

ENDING COAL SEVERANCE TAX ALLOCATION TO COUNTY LAND PLANNING

An act eliminating the allocation from the Coal Severance Tax proceeds to the county land planning account; correcting a statutory reference; and providing an effective date.

Amending sections 15-35-108 and 22-2-304, MCA.

Committee Hearings: House Taxation
Died in House Committee.

HB 257 Cohen

REALTY TRANSFER TAX FOR FUNDING LOCAL PLANNING

An act imposing a tax on certain transfers of real property; providing for the distribution of the proceeds of the tax to local jurisdictions for planning and subdivision review; providing penalties; and providing an effective date.

Amending sections 15-7-301 through 15-7-303, 15-7-305 through 15-7-307, and 15-7-310, MCA; repealing section 15-7-311, MCA.

Committee Hearings: House Taxation
Died in Process.

HB 261 Hansen, S.

CITY WATER SYSTEM THROUGH POWER OF CONDEMNATION

An act providing for the acquisition of a city water supply system through the power of condemnation.

Amending section 7-5-4106, MCA.

Committee Hearings: House Local Government
Tabled in House Committee.

HB 380 Rehberg

REVISES REVIEW CRITERIA IN SUBDIVISION AND PLATTING ACT

An act to revise the criteria used by a local governing body to review a subdivision proposal under the Montana Subdivision and Platting Act; and providing an applicability date.

Amending section 76-3-608, MCA.

Committee Hearings: House Natural Resources
Tabled in House Committee.

HB 562 Wyatt

LOCAL GOVERNMENT REVIEW OF SMALL EXTENSIONS OF WATER AND SEWER SYSTEMS

An act authorizing local governments to review and approve extensions of water or sewer systems with 50 or fewer connections if the local government has qualified personnel to do the review; providing that the Department of Health and Environmental Sciences has 10 days to approve or disapprove a local government review.

Amending section 76-4-128, MCA.

Committee Hearings: House Local Government
Tabled in House Committee.

HB 721 Hannah

ESTABLISHES EVASION CRITERIA FOR REVIEW OF CLAIMED SUBDIVISION EXEMPTIONS

An act requiring a local governing body to use statutory criteria to determine if certain exemptions are claimed for the purpose of evading the Montana Subdivision and Platting Act; providing minimum requirements for exempted divisions of land and subdivisions; and providing an immediate effective date.

Amending sections 76-3-201, 76-3-207, and 76-3-301, MCA.

Committee Hearings: House Natural Resources
Tabled in House Committee.

HB 726 Marks

PROCEDURES FOR EXTRATERRITORIAL ZONING

An act providing procedures for the extension of municipal zoning and subdivision regulations to an area outside the county in which the municipality is located; and providing an immediate effective date.

Amending sections 76-2-101, 76-2-310, and 76-2-311, MCA.

Committee Hearings: House Local Government
Tabled in House Committee.

SB 211 Pinsoneault

ALLOW ZONING AND PLANNING RESTRICTIONS ON OPENCUT MINING

An act to require that sand and gravel opencut mines regulated under the opencut mining act comply with local planning and zoning; and providing an immediate effective date.

Amending sections 76-1-113, 76-2-209, 82-4-431, and 82-4-432, MCA.

Committee Hearings: Senate Natural Resources

Second Reading Votes: Senate 19-30

Second Reading Indefinitely Postponed in Senate 31-17.

Parks and Recreation

PASSED

HB 385 Simon

TRANSFER HIGHWAY LAND TO YELLOWSTONE COUNTY FOR ZOO AND BOTANICAL GARDENS

An act to direct the Montana Department of Highways to transfer certain lands to Yellowstone County, the City of Billings, or Zoomontana, Inc., to make the land available for development of a zoo and botanical gardens; and providing an immediate effective date.

Committee Hearings: House State Administration
Senate State Administration

Second Reading Votes: House 71-29; Senate 47-0

Third Reading Votes: House 69-20; Senate 49-0

State and Public Lands

PASSED

HB 362 Brown, D.

ALLOW STATE TO ACCEPT FEDERALLY CONDEMNED LAND

An act to allow the state of Montana to accept and dispose of lands, including buildings, granted by the United States pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Amending sections 75-10-701, 77-1-211, and 77-2-302, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 92-4; Senate 48-0
Third Reading Votes: House 95-1; Senate 50-0
Senate amended, House concurred 97-0.

SB 91 Manning

PROVIDE FOR SALE OF CABIN SITES OR LOTS LEASED BY STATE TO LESSEES

An act providing for sale of state lands comprising leased cabin or home sites or city or town lots upon request of the lessees thereof; exempting sales from certain subdivision laws; providing for permanent easements; providing for conservation easements for sales; establishing an appraisal review board; clarifying the bidding requirements for sale of state lands.

Amending sections 77-2-301, 77-2-303, and 77-2-324, MCA.

Committee Hearings: Senate State Administration
House Natural Resources
Second Reading Votes: Senate 31-18; House 53-44
Third Reading Votes: Senate 36-13; House 52-42
House amended, Senate concurred 44-5.

SB 226 Hims1

VALUE CABIN SITES ON STATE LANDS AT 3.5% OF VALUE SET BY DEPARTMENT OF REVENUE

An act requiring the Board of Land Commissioners to value cabin site licenses and leases at 3.5 percent of the value determined

by the Department of Revenue or \$150, whichever is greater; directing the Board of Land Commissioners to follow the procedures in 77-6-302 through 77-6-306, MCA, for the disposal or valuation of cabin site improvements; and providing an immediate effective date and a retroactive applicability date.

Amending section 77-1-208, MCA.

Committee Hearings: Senate Natural Resources
House Taxation

Second Reading Votes: Senate 50-0; House 75-20

Third Reading Votes: Senate 50-0; House 75-23

Senate amended, House not concurred 49-0.

Free Conference Committee: House 87-7; Senate 50-0

SB 305 Jergeson

VOLUNTARY TERMINATION OF STATE LAND LEASE UPON ENROLLMENT IN CONSERVATION RESERVE PROGRAM

An act allowing a state land lessee who wishes to enter the land in the federal conservation reserve program to voluntarily terminate the state lease prior to the expiration date so that the lease, upon renewal, may run concurrently with the federal program; providing that a voluntarily terminated lease is subject to the same competitive bidding process as a renewal lease; and providing an immediate effective date.

Amending sections 77-6-109, 77-6-110, 77-6-204, and 77-6-205, MCA.

Committee Hearings: Senate Agriculture
House Natural Resources

Second Reading Votes: Senate 50-0; House 87-1

Third Reading Votes: Senate 46-0; House 97-1

House amended, Senate concurred 48-0.

KILLED

HJ 1 Swift

RESOLUTION TO SUPPORT FOREST SERVICE'S WILDERNESS ACREAGE PROPOSAL

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the Montana congressional delegation to accept the proposal of the northern region of the United States Forest Service that less than 600,000 acres of national forest land receive wilderness designation and that no

additional federal lands in Montana be designated as special recreation or wilderness study areas.

Committee Hearings: House Natural Resources
House Adverse Committee Report Adopted 65-29.

HJ 11 Swift

JOINT RESOLUTION URGING STATE COORDINATION CONCERNING FEDERAL LANDS

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the governor to lead the state's efforts to coordinate state planning activities with federal agencies concerning the allocation of federal lands and resources.

Committee Hearings: House Natural Resources
Tabled in House Committee.

Other

KILLED

HB 149 Stang

REVISE LAND SALE BY DEPARTMENT OF HIGHWAYS AS REGARDS ORIGINAL LANDOWNER

An act to eliminate the requirement that the Department of Highways offer land for sale to the original owner or successor in interest before exchanging it for other property; to eliminate the option that the original owner or successor in interest has to purchase property of 5 acres or less offered for sale by the Department of Highways; to require that advance notice of a sale be given to the original owner.

Amending sections 60-4-201, 60-4-202, and 60-4-204, MCA.

Committee Hearings: House Highways and Transportation
Senate Highways

Second Reading Votes: House 83-10

Third Reading Votes: House 86-11

Died in Senate Committee.

HB 384 Spring

*ARCHITECTURAL, ENGINEERING AND SURVEY SERVICES NEED NOT BE
DUPLICATED*

An act to clarify that a local agency or special district is not required to contract for architectural, engineering, and land surveying services that duplicate services performed on behalf of a private developer in the course of preparing for an improvement district requested by the developer.

Amending section 18-8-212, MCA.

Committee Hearings: House Local Government
Tabled in House Committee.

HB 433 Bachini

CREATING A STATE HISTORIC SITES SYSTEM IMPROVEMENT COMMISSION

An act creating a state historic sites system improvement commission; appropriating funds for the commission's use; and providing an immediate effective date and a termination date.

Committee Hearings: House Education
House Appropriations
Tabled in House Appropriations Committee.

HB 509 Bardanouve

SALE OF LAND ALONG RAILROAD RIGHT-OF-WAY

An act providing a first right to leaseholders of railroad right-of-way land, to landowners adjacent to railroad right-of-way land, or to a person or entity who wishes to purchase the land for public recreational use to purchase the land; requiring the Public Service Commission to adopt rules to implement the right.

Amending section 69-14-553, MCA.

Committee Hearings: House Agriculture
Second Reading Votes: House 53-46
Third Reading Votes: House 41-55

HB 769 Elliott

MONTANA SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION ACT OF 1989

The Montana Sustainable Agriculture Research and Education Act.

Committee Hearings: House Appropriations

Senate Finance and Claims

Second Reading Votes: House 85-8; Senate 30-13

Third Reading Votes: House 84-10; Senate 41-9

Free Conference Committee Rejected: House 49-51; Senate 49-0

Died in Process.

SB 317 Eck

ANNEXATION OF WHOLLY SURROUNDED LAND OF LESS THAN 2 ACRES

An act authorizing the annexation of tracts or parcels of wholly surrounded agricultural land that are 2 acres or less in size or are eligible for agricultural valuation; and providing an immediate effective date.

Amending section 7-2-4503, MCA.

Committee Hearings: Senate Local Government

House Local Government

Second Reading Votes: Senate 42-0; House 42-45

Third Reading Votes: Senate 36-14

MINERAL DEVELOPMENT

Exploration, Operation and Reclamation

PASSED

HB 133 Hayne

GENERALLY REVISE LAWS RELATING TO STATE OIL AND GAS LEASE PAYMENTS

An act generally revising laws relating to payment of rentals, delay drilling penalties, compensatory royalties, and royalties on state oil and gas leases; providing for refund of delay drilling penalties for years in which drilling occurs; and providing an effective date and an applicability date.

Amending sections 77-3-423 through 77-3-425, 77-3-427, and 77-3-432, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources

Second Reading Votes: House 53-46; Senate 49-1

Third Reading Votes: House 53-46; Senate 48-1

HB 274 Quilici

AUTHORIZING DSL TO INVESTIGATE USE OF EXPLOSIVES RELATED TO HARD-ROCK MINING

An act authorizing the Department of State Lands to investigate complaints and order changes or other appropriate mitigation concerning the use of explosives associated with hard-rock mining activities.

Committee Hearings: House Business and Economic Development
Senate Natural Resources

Second Reading Votes: House 68-27; Senate 31-15

Third Reading Votes: House 75-24; Senate 36-13

HB 327 Giacometto

EXTEND PRIMARY TERM OF STATE OIL AND GAS LEASES AFFECTED BY LITIGATION

An act to allow the Board of Land Commissioners to extend the primary term of state oil and gas leases where, due to litigation, state compliance with the Montana Environmental Policy Act, or adverse conditions caused by natural occurrences, exploration or production during the primary lease term has been prevented or the lessee is threatened with substantial economic loss; and providing an immediate effective date.

Amending section 77-3-421, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 91-1; Senate 48-1
Third Reading Votes: House 95-2; Senate 48-0

HB 581 Iverson

REVISE HARD-ROCK MINING ACT

An act to generally revise the laws relating to metal mine reclamation.

Amending sections 82-4-303, 82-4-305, 82-4-331, 82-4-335, 82-4-361, and 82-4-362, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 92-1; Senate 46-2
Third Reading Votes: House 96-1; Senate 48-2

HB 679 Grady

REDUCES SMALL MINER EXEMPTION TO 2 ACRES FOR PLACER OR DREDGE OPERATIONS

An act requiring a small miner who has placer or dredge mining operations to reclaim lands disturbed by the operations and to post a performance bond equal to the state's actual cost of reclaiming the disturbed lands, although the bond may not exceed \$5,000 per operation; authorizing the Department of State Lands to collect all its reasonable costs of reclamation if a small miner fails to reclaim the placer or dredge mining operation; and providing an applicability date and an effective date.

Amending sections 82-4-303 and 82-4-305, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 91-5; Senate 42-4
Third Reading Votes: House 90-9; Senate 42-7
Senate amended, House concurred 93-3.

HB 680 Grady

REQUIRES MINERS TO OBTAIN OPERATING PERMIT FOR CYANIDE ORE-PROCESSING AREA

An act requiring a hard-rock miner using a cyanide ore-processing reagent to obtain an operating permit for the area where the cyanide is used or disposed of; exempting existing facilities using cyanide ore-processing reagents if they are registered by January 1, 1990; and providing an effective date.

Amending sections 82-4-303, 82-4-305, and 82-4-335, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 90-3; Senate 49-0
Third Reading Votes: House 94-4; Senate 47-2
Senate amended, House concurred 92-2.

HB 776 Connelly

RECLAMATION AND DEVELOPMENT GRANTS

An act appropriating money to the Department of Natural Resources and Conservation for grants for designated projects under the reclamation and development grants program; prioritizing grants and amounts; and establishing conditions for grants.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 96-2; Senate 49-0
Third Reading Votes: House 93-4; Senate 47-1
Senate amended, House concurred 94-5.

HJ 9 Mercer

AFFIRMS FLATHEAD BASIN COMMISSION'S OPPOSITION TO CABIN CREEK COAL MINE

A Joint Resolution of the Senate and the House of Representatives of the State of Montana affirming the findings of the Flathead

Basin Commission in opposition to the proposed Cabin Creek Coal Mine in the province of British Columbia; recognizing the findings of adverse impacts contained in technical reports prepared for the International Joint Commission; anticipating those findings will be sustained in recommendations of the International Joint Commission; and endorsing the concept of cooperative long-term resource management among the governments of Montana, British Columbia, the United State, and Canada for the North Fork of the Flathead River drainage in Montana and the Flathead River drainage in British Columbia.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 97-1; Senate 47-0
Third Reading Votes: House 93-3; Senate 47-0

HJ 25 Brown, D.

RESOLUTION URGING CLEAN COAL TECHNOLOGY

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging recognition of the threat to Montana's coal industry posed by federal acid rain legislation and requesting support of the magnetohydrodynamics program and the development of clean coal technologies and urging the coal tax oversight subcommittee, the governor, and the Montana Congressional Delegation to give priority to consideration of those subjects.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 96-0; Senate 49-0
Third Reading Votes: House 99-0; Senate 44-0

SB 29 Gage

PROVIDE RULEMAKING AUTHORITY TO BOARD OF OIL AND GAS FOR SEISMIC SHOT HOLES

An act authorizing the Board of Oil and Gas Conservation to adopt rules regulating the plugging and abandonment of seismic shot holes; and providing an immediate effective date.

Amending section 82-1-101, MCA.

Committee Hearings: Senate Natural Resources
House Natural Resources
Second Reading Votes: Senate 48-0; House 94-0
Third Reading Votes: Senate 48-0; House 91-0

SB 154 Nathe

CONFIDENTIALITY OF CERTAIN STATE LANDS LEASE INFORMATION

An act to provide that the Department of State Lands may keep confidential certain geologic information received from lessees.

Committee Hearings: Senate Natural Resources
House Natural Resources

Second Reading Votes: Senate 50-0; House 83-1

Third Reading Votes: Senate 49-0; House 92-3

SB 201 Keating

EXTENDING THE BOARD OF OIL AND GAS CONSERVATION'S EXEMPTION FROM MEPA

An act to extend until the Board of Oil and Gas Conservation adopts a programmatic environmental statement, but no later than December 31, 1989, the exemption of the Board of Oil and Gas Conservation from the requirements of the Montana Environmental Policy Act when issuing drilling permits; extending until December 31, 1989, the date by which the Board must adopt a programmatic environmental statement.

Amending section 75-1-201, MCA.

Committee Hearings: Senate Natural Resources
House Natural Resources

Second Reading Votes: Senate 30-18; House 76-10

Third Reading Votes: Senate 30-20; House 87-10
House amended, Senate concurred 49-0.

KILLED

HB 241 Harper

REQUIRING MINERS USING MINERAL REPROCESSING AGENTS TO OBTAIN PERMIT FROM DSL

An act requiring a miner using mineral processing reagents to obtain an operating permit from the Department of State Lands and to comply with metal mine reclamation requirements; defining "mineral processing reagent."

Amending sections 82-4-303, 82-4-305, and 82-4-335, MCA.

Committee Hearings: House Natural Resources
Tabled in House Committee.

HB 272 Harper

GENERALLY REVISING THE MONTANA STRIP AND UNDERGROUND MINE RECLAMATION ACT

An act to generally revise the Montana Strip and Underground Mine Reclamation Act; to provide that an application for a strip- or underground-coal-mining permit may not be approved unless hydrologic consequences have been assessed; to eliminate requirements for notice that an environmental impact statement is necessary and for completion of the statement; to revise time requirements for inspections and release of reclamation bonds.

Amending sections 37-72-101, 82-4-222, 82-4-227, 82-4-231, and 82-4-232, MCA.

Committee Hearings: House Natural Resources
Tabled in House Committee.

HB 728 O'Keefe

REQUIRE A WATER RESOURCES RECLAMATION BOND FROM COAL AND HARD ROCK MINERS

An act requiring an operator of a coal mine and a person applying for an exploration license or permit to operate a metal mine to file a water resources reclamation bond; establishing conditions for determining the amount of a bond and for releasing a bond; establishing additional conditions for an operator of a coal mine to obtain a future permit if a bond is forfeited; prohibiting a metal mine operator from obtaining future exploration licenses and operating permits if a bond is forfeited; authorizing the Board of Land Commissioners and the Department of State Lands to reclaim water resources if a bond is forfeited.

Amending sections 82-4-202, 82-4-222, 82-4-223, 82-4-225, 82-4-227, 82-4-232, 82-4-240, 82-4-251, 82-4-332, 82-4-335, 82-4-336, and 82-4-338, MCA.

Committee Hearings: House Natural Resources
Died in House Committee.

SB 211 Pineseault

ALLOW ZONING AND PLANNING RESTRICTIONS ON OPENCUT MINING

An act to require that sand and gravel opencut mines regulated under the opencut mining act comply with local planning and zoning; and providing an immediate effective date.

Amending sections 76-1-113, 76-2-209, 82-4-431, and 82-4-432, MCA.

Committee Hearings: Senate Natural Resources

Second Reading Votes: Senate 19-30

Second Reading Indefinitely Postponed in Senate 31-17.

Local Impact Mitigation

PASSED

HB 709 Hanson, M.

APPROPRIATING COAL BOARD MONEY TO COMPLETE DECKER-BUSBY HIGHWAY

An act appropriating money during the biennium ending June 30, 1991, from the local impact account to the Department of Highways to match funds from Big Horn County to finance completion of Montana Highway 134; and providing an effective date.

Committee Hearings: House Highways and Transportation
House Appropriations
Senate Highways

Second Reading Votes: House 94-4; Senate 49-0

Third Reading Votes: House 86-8; Senate 49-0

SB 410 Beck

GENERALLY REVISE THE TAXATION OF METAL MINES

An act generally revising the taxation of metal mines; clarifying the value at which gross proceeds and metal mines license taxes are levied; revising the allocation formula of the metal mines license tax; including the resource indemnity trust fund and certain units of local government in which a mine is located in the allocation of the metal mines license tax; exempting metal mines from the resource indemnity trust tax; establishing a county hard-rock mine trust reserve account and metal mines tax

reserve accounts for county governments and local school districts; transferring, after fiscal year 1990 and at the end of each subsequent fiscal year, funds remaining in the hard-rock mining impact trust account to the county hard-rock mine trust reserve account; statutorily appropriating funds; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-23-801, 15-37-102 through 15-37-106, 15-37-108, 15-37-117, and 15-38-202, 17-7-502, and 90-6-304 through 90-6-306, MCA; repealing sections 90-6-321 and 90-6-322, MCA.

Committee Hearings: Senate Taxation
House Taxation

Second Reading Votes: Senate 48-1; House 99-0

Third Reading Votes: Senate 44-3; House 100-0

House amended, Senate concurred 49-0.

KILLED

HB 208 Driscoll

ALLOW PREPAYMENT OF PROPERTY TAXES BY HARD-ROCK MINE EXPLORATION DEVELOPERS

An act providing that developers intending to engage in large-scale hard-rock mineral exploration may prepay property taxes to local government units to meet increased costs of providing services; providing that local governments shall repay prepaid taxes if a mine is developed.

Amending sections 90-6-302, 90-6-307, and 90-6-323, MCA.

Committee Hearings: House Taxation
House Adverse Committee Report Adopted 81-12.

HB 633 Whalen

TO USE METAL MINES TAX TO DEFRAY COSTS TO LOCAL GOVERNMENTS FROM EXPLORATION

An act establishing a hard-rock mining exploration impact trust account; providing that 5 percent of total collections from the metalliferous mines license tax be reallocated from the general fund to the hard-rock mining exploration impact trust account for the purpose of providing grants to local government units to defray increased costs incurred from providing services as a result of large-scale mineral exploration; placing a cap on the amount of revenue in the hard-rock mining exploration impact trust account; and providing effective dates and a retroactive applicability date.

Amending sections 15-37-117, 90-6-302 through 90-6-305, and 90-6-323, MCA.

Committee Hearings: House Natural Resources
Died in Process.

SB 238 Keating

*SUSPENDING POWERS OF COAL BOARD; ELIMINATING LOCAL IMPACT
ALLOCATION*

An act suspending the authorization for the coal board and the powers and duties of the coal board; requiring the Department of Commerce to maintain the records of the coal board; eliminating the coal severance tax allocation to the local impact account; and providing an effective date.

Amending sections 2-15-1821, 15-35-108, 90-6-202, 90-6-204, and 90-6-205, MCA.

Committee Hearings: Senate Natural Resources
Senate Adverse Committee Report Adopted 22-6.

Other

PASSED

HB 285 Steppler

UNIFORM DORMANT MINERAL INTERESTS ACT

An act adopting the uniform dormant mineral interests act; providing a method for terminating a dormant mineral interest that impairs the marketability of real property; and providing an means of preserving the mineral interest.

Committee Hearings: House Natural Resources
Tabled in House Committee.

KILLED

SB 435 Tveit

CREATE OIL AND GAS OWNERS LIEN

An act creating an oil and gas owner's lien; and providing for filing, attachment, and priority of the lien.

Committee Hearings: Senate Natural Resources
Died in Senate Committee.

TAXATION OF MINERALS AND ALLOCATION OF MINERAL REVENUES

Coal Severance Tax Rates

PASSED

HB 4 Hanson, M.

CLARIFYING THE RATE OF SEVERANCE TAX ON CERTAIN COAL

An act clarifying the rate of severance tax on certain coal; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-35-102, 15-35-103, and 15-35-202, MCA.

Committee Hearings: House Taxation
Senate Taxation

Second Reading Votes: House 69-30; Senate 39-6

Third Reading Votes: House 71-26; Senate 48-2

KILLED

SB 1 Anderson

UNIFORM TAXATION OF COAL ROYALTIES

An act providing for uniform taxation of all coal royalties; and providing a delayed effective date and an applicability date.

Amending section 15-35-102, MCA.

Committee Hearings: Senate Taxation
House Taxation

Second Reading Votes: Senate 44-5

Third Reading Votes: Senate 45-4

Died in Process.

Other Mineral Tax Rates

PASSED

HB 3 Harrington

LICENSING GASOLINE EXPORTERS

An act clarifying the taxation of gasoline exported from Montana; and providing an immediate effective date for rulemaking authority.

Amending sections 15-70-201, 15-70-202, 15-70-204, 15-70-209, 15-70-221 and 15-70-222, MCA.

Committee Hearings: House Taxation
Senate Business and Industry
Second Reading Votes: House 96-0; Senate 50-0
Third Reading Votes: House 99-0; Senate 50-0
Senate amended, House concurred 97-0.

HB 525 Swysgood

ESTABLISH THE VALUE OF TALC FOR NET PROCEEDS TAX AND RITT

An act to establish the value of talc for net proceeds property tax purposes and for Resource Indemnity Trust Tax purposes; to establish a specific Resource Indemnity Tax rate for talc; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-6-131, 15-8-111, 15-23-103, 15-23-106, 15-23-115, 15-23-502, 15-23-503, 15-23-521, 15-38-103, and 15-38-104, MCA.

Committee Hearings: House Taxation
Senate Taxation
Second Reading Votes: House 92-0; Senate 50-0
Third Reading Votes: House 91-0; Senate 50-0

SB 3 Mazurek

REVISE REPORTING REQUIREMENTS AND PAYMENT OF TAXES FOR METAL MINES AND RITT

An act to change the tax report filing requirement for the license tax on metal mines and the Resource Indemnity Trust Tax from quarterly to annually; to increase the penalty provisions; to change the date for payment of the taxes; and providing a retroactive applicability date.

Amending sections 15-37-102, 15-37-104 through 15-37-106, 15-37-108, and 15-38-105 through 15-38-107, MCA.

Committee Hearings: Senate Natural Resources
House Natural Resources

Second Reading Votes: Senate 48-0; House 92-2

Third Reading Votes: Senate 48-0; House 91-2

SB 8 Eck

EXEMPT TRIBAL ROYALTIES RECEIVED UNDER 1938 LEASES FROM STATE TAXATION

An act to exempt royalties received by indian tribes pursuant to 1938 lease agreements from taxation under the proceeds, oil and gas severance, and resource indemnity trust taxes.

Committee Hearings: Senate Judiciary
House Natural Resources

Second Reading Votes: Senate 48-0; House 76-10

Third Reading Votes: Senate 48-0; House 78-16

Governor's amendments concurred: House 92-4; Senate 48-0.

SB 30 Harp

INTERNATIONAL FUEL TAX AGREEMENT AUTHORIZED

An act authorizing the Department of Revenue to enter into the international fuel tax agreement for the taxation of motor fuels used by vehicles operated on an interjurisdictional basis.

Amending sections 15-70-104 and 15-70-302, MCA.

Committee Hearings: Senate Taxation
House Taxation

Second Reading Votes: Senate 49-0; House 89-0

Third Reading Votes: Senate 48-0; House 93-0

SB 368 Keating

EXTEND THE EXEMPTION OF CERTAIN STRIPPER WELLS FROM SEVERANCE TAXES

An act to extend the exemption of certain stripper wells from severance taxes; and providing an immediate effective date and a contingent retroactive applicability date.

Amending section 15-36-101, MCA.

Committee Hearings: Senate Taxation
House Taxation

Second Reading Votes: Senate 50-0; House 87-11

Third Reading Votes: Senate 50-0; House 91-8

SB 410 Beck

GENERALLY REVISE THE TAXATION OF METAL MINES

An act generally revising the taxation of metal mines; clarifying the value at which gross proceeds and metal mines license taxes are levied; revising the allocation formula of the metal mines license tax; including the resource indemnity trust fund and certain units of local government in which a mine is located in the allocation of the metal mines license tax; exempting metal mines from the resource indemnity trust tax; establishing a county hard-rock mine trust reserve account and metal mines tax reserve accounts for county governments and local school districts; transferring, after fiscal year 1990 and at the end of each subsequent fiscal year, funds remaining in the hard-rock mining impact trust account to the county hard-rock mine trust reserve account; statutorily appropriating funds; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-23-801, 15-37-102 through 15-37-106, 15-37-108, 15-37-117, and 15-38-202, 17-7-502, and 90-6-304 through 90-6-306, MCA; repealing sections 90-6-321 and 90-6-322, MCA.

Committee Hearings: Senate Taxation
House Taxation

Second Reading Votes: Senate 48-1; House 99-0

Third Reading Votes: Senate 44-3; House 100-0

House amended, Senate concurred 49-0.

KILLED

HB 359 Cobb

EXCLUDE SAND AND GRAVEL FROM RESOURCES INDEMNITY TRUST TAX

An act excluding sand and gravel from the Resource Indemnity Trust Tax; and providing an immediate effective date and a retroactive applicability date.

Amending section 15-38-103, MCA.

Committee Hearings: House Taxation
Tabled in House Committee.

Allocation of Coal Severance Tax Revenues to Natural Resource Programs

PASSED

HB 226 Stickney

COAL TAX OVERSIGHT SUBCOMMITTEE TO PREPARE REPORT ON COAL TAX TRUST FUND USE

An act transferring from the Board of Investments to the Coal Tax Oversight Subcommittee the duty to prepare a report on potential uses of the Coal Tax Trust Fund; and providing an effective date.

Amending sections 5-18-203 and 17-6-322, MCA; repealing section 17-6-323, MCA.

Committee Hearings: House State Administration
Senate State Administration
Second Reading Votes: House 88-4; Senate 48-0
Third Reading Votes: House 95-2; Senate 49-1

HB 526 Iverson

ENDING ALTERNATIVE ENERGY ALLOCATION FROM COAL SEVERANCE TAX

An act eliminating the allocation of Coal Severance Tax revenues to the alternative energy and energy conservation research development and demonstration account; transferring the unobligated cash balance from the alternative energy and energy conservation research development and demonstration account to the general fund; and providing an effective date.

Amending sections 15-35-108, 22-2-304, 90-3-101, and 90-4-103, MCA.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 77-13; Senate 49-0
Third Reading Votes: House 79-19; Senate 47-1

HB 709 Hanson, M.

APPROPRIATING COAL BOARD MONEY TO COMPLETE DECKER-BUSBY HIGHWAY

An act appropriating money during the biennium ending June 30, 1991, from the local impact account to the Department of Highways to match funds from Big Horn County to finance completion of Montana Highway 134; and providing an effective date.

Committee Hearings: House Highways and Transportation
House Appropriations
Senate Highways

Second Reading Votes: House 94-4; Senate 49-0

Third Reading Votes: House 86-8; Senate 49-0

KILLED

HB 39 Cobb

ENDING COAL SEVERANCE TAX ALLOCATION TO COUNTY LAND PLANNING

An act eliminating the allocation from the Coal Severance Tax proceeds to the county land planning account; correcting a statutory reference; and providing an effective date.

Amending sections 15-35-108 and 22-2-304, MCA.

Committee Hearings: House Taxation
Died in House Committee.

SB 117 Keating

ELIMINATING DEPOSITS IN COAL SEVERANCE TAX TRUST

An act to submit to the qualified electors of Montana an amendment to article IX, section 5, of the Montana Constitution to discontinue the deposit of Coal Severance Tax collections in the Coal Severance Tax Trust Fund.

Committee Hearings: Senate Taxation
House Taxation

Second Reading Votes: Senate 25-22

Third Reading Votes: Senate 28-22

Senate Adverse Committee Report Adopted 30-19.

House Adverse Committee Report Adopted 58-39.

SB 224 Keating

REVISING COAL TAX ALLOCATIONS; DEPOSITING IN GENERAL FUND

An act revising and eliminating certain allocations of the coal severance tax proceeds; allocating to the general fund the remainder of the proceeds of the coal severance tax and the excess of the coal severance tax allocation to the water development debt service fund; continuing the allocation of earnings from the parks acquisition and cultural trust fund; and providing an effective date.

Amending sections 15-35-108, 22-2-301, 22-2-304, 22-2-321, 23-1-108, 76-15-530, 85-1-604, 85-1-619, 90-3-101, 90-4-103, and 90-6-202, MCA.

Committee Hearings: Senate Natural Resources
Senate Adverse Committee Report Adopted 32-11.

Allocation of Other Mineral Tax Revenues to Natural Resources Programs

PASSED

HB 143 Schye

OIL AND GAS WELL PLUGGING COSTS PAID FROM RITT INTEREST

An act allocating a portion of the interest income from the Resource Indemnity Trust Tax for the plugging of certain oil and gas wells; establishing an oil and gas production damage mitigation account; providing a statutory appropriation; providing a lien against the person responsible for plugging the well; and providing an effective date.

Amending sections 15-38-202, 17-7-502, 82-10-402, 82-11-101, 82-11-111, and 82-11-123, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 95-0; Senate 50-0
Third Reading Votes: House 94-0; Senate 50-0

HB 329 Daily

APPROPRIATE FUNDS FOR AN UPPER CLARK FORK RIVER BASIN COORDINATOR

An act to appropriate funds from either the Resource Indemnity Trust Reclamation and Development grants special revenue account or the Resource Indemnity Trust Water Development special revenue account to the Department of Natural Resources and Conservation to be awarded to the Butte-Silver Bow City-County government for hiring an Upper Clark Fork Basin Coordinator.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 90-5; Senate 37-10
Third Reading Votes: House 71-26; Senate 35-15

HB 333 Ream

ENVIRONMENTAL QUALITY PROTECTION FUND STATUTORY APPROPRIATION

An act to appropriate \$1 million of the Environmental Quality Protection Fund for use by the Department of Health and Environmental Sciences for expenditures relating to releases of hazardous or deleterious substances; to require a report to the Legislature on expenditures from the fund; and providing an effective date.

Amending section 75-10-704, MCA.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 92-3; Senate 49-0
Third Reading Votes: House 83-14; Senate 39-11
Senate amended, House concurred 79-14.

HB 563 Spaeth

APPROPRIATING OIL OVERCHARGE MONEY

An act appropriating oil overcharge money for programs administered by the State of Montana; and providing an effective date.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 90-7; Senate 49-0
Third Reading Votes: House 89-8; Senate 49-0

KILLED

HB 633 Whalen

TO USE METAL MINES TAX TO DEFRAY COSTS TO LOCAL GOVERNMENTS FROM EXPLORATION

An act establishing a hard-rock mining exploration impact trust account; providing that 5 percent of total collections from the metalliferous mines license tax be reallocated from the general fund to the hard-rock mining exploration impact trust account for the purpose of providing grants to local government units to defray increased costs incurred from providing services as a result of large-scale mineral exploration; placing a cap on the amount of revenue in the hard-rock mining exploration impact trust account; and providing effective dates and a retroactive applicability date.

Amending sections 15-37-117, 90-6-302 through 90-6-305, and 90-6-323, MCA.

Committee Hearings: House Natural Resources
Died in Process.

HB 643 Wallin

FUND MOTOR VEHICLE TAX ABATEMENT WITH OIL AND GAS SEVERANCE TAX PROCEEDS

An act creating a motor vehicle tax abatement account; statutorily appropriating a portion of the oil and gas severance tax to the account; requiring the funds in the abatement account to be disbursed to the counties for abatement of the motor vehicle tax and motor home fee in lieu of tax; and providing an immediate effective date and applicability dates.

Amending sections 15-36-112, 61-3-504, 61-3-509, and 61-3-522, MCA.

Committee Hearings: House Taxation
House Adverse Committee Report Adopted 91-5.

SB 225 Keating

*ELIMINATE RIT INTEREST INCOME ALLOCATION TO RENEWABLE RESOURCE
DEVELOPMENT*

An act to eliminate the statutory allocation of Resource Indemnity Trust interest income to the Renewable Resources Development Account; and providing an effective date.

Amending sections 15-38-202, 15-38-203, and 90-2-1104, MCA.

Committee Hearings: Senate Natural Resources
Senate Adverse Committee Report Adopted 37-8.

SOLID WASTE AND HAZARDOUS MATERIALS MANAGEMENT

Hazardous Materials

PASSED

HB 136 DeMars

REVISE CERTAIN PROVISIONS OF COMMERCIAL FERTILIZERS LAW

An act to revise certain provisions relating to commercial fertilizers; to make certain fees nonrefundable; to provide a renewal date and late fees for licenses; to require uniform registration of all specialty fertilizers.

Amending sections 80-10-201, 80-10-202, and 80-10-207, MCA

Committee Hearings: House Agriculture
Senate Agriculture

Second Reading Votes: House 95-0; Senate 46-0

Third Reading Votes: House 97-0; Senate 46-1

HB 192 Rice

CIVIL PENALTIES FOR RADIATION CONTROL VIOLATIONS

An act allowing the Department of Health and Environmental Sciences to seek to enjoin and collect civil penalties for violations of statutes and departmental rules and orders relating to the regulation of sources of ionizing radiation.

Committee Hearings: House Human Services
Senate Public Health, Welfare and Safety

Second Reading Votes: House 91-6; Senate 47-0

Third Reading Votes: House 97-0; Senate 48-1

HB 333 Ream

ENVIRONMENTAL QUALITY PROTECTION FUND STATUTORY APPROPRIATION

An act to appropriate \$1 million of the Environmental Quality Protection Fund for use by the Department of Health and Environmental Sciences for expenditures relating to releases of hazardous or deleterious substances; to require a report to the Legislature on expenditures from the fund; and providing an effective date.

Amending section 75-10-704, MCA.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 92-3; Senate 49-0
Third Reading Votes: House 83-14; Senate 39-11
Senate amended, House concurred 79-14.

HB 362 Brown, D.

ALLOW STATE TO ACCEPT FEDERALLY CONDEMNED LAND

An act to allow the state of Montana to accept and dispose of lands, including buildings, granted by the United States pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Amending sections 75-10-701, 77-1-211, and 77-2-302, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 92-4; Senate 48-0
Third Reading Votes: House 95-1; Senate 50-0
Senate amended, House concurred 97-0.

HB 484 Hannah

TO REQUIRE COMMERCIAL USERS OF CHLORINATED SOLVENTS TO OBTAIN A PERMIT

An act to require persons who annually use 20 gallons or more of halogenated solvents for commercial purposes and government uses to register with the Department of Health and Environmental Sciences; and to prohibit the sale of 20 gallons or more of

halogenated solvents for commercial or government use to persons not possessing proof of registration.

Committee Hearings: House Natural Resources
Senate Public Health, Welfare and Safety
Second Reading Votes: House 92-1; Senate 48-0
Third Reading Votes: House 96-1; Senate 48-2

HB 552 Nelson, T.

LICENSES, PERMITS AND FEES FOR UNDERGROUND TANK INSTALLATION AND CLOSURE

An act to provide for licensing of underground storage tank installers; to provide for permitting of installations and closures of underground storage tanks; to provide for inspections during tank installations or closures; to authorize fees for licenses, permits, and inspections; to create an underground storage tank license and permit account; to loan \$50,000 from the general fund to the account; to appropriate \$50,000 from the account to the Department of Health and Environmental Sciences for the licensing, permitting and inspection program; to provide an exemption from the sunrise audit requirement; and providing effective dates.

Committee Hearings: House Natural Resources
Senate Business and Industry
Second Reading Votes: House 83-11; Senate 46-3
Third Reading Votes: House 85-13; Senate 34-13

HB 603 Raney

LEAKING PETROLEUM TANK CLEANUP FEE, FUND, AND COMPENSATION BOARD

An act providing for reimbursement to owners and operators of petroleum storage tanks for expenses related to releases from those tanks; establishing a petroleum storage tank cleanup fee to be paid by gasoline distributors and collected by the Department of Revenue; creating a petroleum tank release cleanup fund and statutorily appropriating money in the fund; creating a petroleum tank release compensation board; providing criminal penalties for certain misrepresentations; and providing effective dates.

Amending section 17-7-502, MCA.

Committee Hearings: House Taxation
Senate Taxation
Second Reading Votes: House 82-3; Senate 39-6
Third Reading Votes: House 90-2; Senate 42-8
Senate amended, House concurred 73-24.

SB 259 Williams

EXEMPTIONS FROM SUNRISE LAW

An act to exempt a proposal establishing a licensing program pursuant to federal law from the requirement that the Legislative Audit Committee review the proposal and issue a report assessing its merits, which report must be attached to a bill containing the proposal before the bill may be reported out of a committee during a legislative session; requiring a report by certain agencies; and providing an immediate effective date and a retroactive applicability date.

Amending section 2-8-202, MCA.

Committee Hearings: Senate Public Health, Welfare and Safety
House State Administration

Second Reading Votes: Senate 48-0; House 88-9

Third Reading Votes: Senate 49-0; House 79-14

SB 270 Williams

ASBESTOS CERTIFICATION AND PERMIT PROGRAM

An act establishing standards for training and accreditation for asbestos workers; allowing the Department of Health and Environmental Sciences to require permits for asbestos projects and charge fees for persons working with asbestos; limiting the time for processing of certain asbestos project permits; allowing the Department to establish criteria for asbestos projects; creating an advisory committee for rulemaking; providing for criminal and civil penalties; and providing effective dates.

Committee Hearings: Senate Public Health, Welfare and Safety
House Labor and Employee Relations

Second Reading Votes: Senate 48-1; House 87-6

Third Reading Votes: Senate 45-3; House 98-0

SB 385 Harp

GENERALLY REVISING REMEDIAL ACTION AND ENFORCEMENT FOR HAZARD WASTE RELEASES

An act to generally revise the laws relating to remedial action upon the release of a hazardous substance to include certain provisions parallel to the federal Comprehensive Environmental Response, Compensation, and Liability Act (federal Superfund);

redefining "hazardous or deleterious substance"; adding limited immunity for remedial action contractors; augmenting investigative and enforcement authority; providing for public notice and comment on administrative orders and consent decrees; clarifying and adding defenses to liability; granting condemnation authority for contaminated sites; and providing an immediate effective date.

Amending sections 75-10-701, 75-10-704, 75-10-711, 75-10-712, and 75-10-715, MCA.

Committee Hearings: Senate Judiciary
House Natural Resources
Second Reading Votes: Senate 50-0; House 87-0
Third Reading Votes: Senate 50-0; House 94-3
House amended, Senate not concurred 49-0.
Free Conference Committee: Senate 49-0; House 98-1

KILLED

HB 537 Harper

LICENSES AND PERMITS FOR UNDERGROUND STORAGE TANK INSTALLATION AND CLOSURE

An act to provide for licensing of underground storage tank installers; to provide for permitting of installations and closures of underground storage tanks; to provide for inspections during tank installations or closures; to create an underground storage tank license and permit account; to provide an exemption from the sunrise audit requirement; and providing effective dates and an applicability provision.

Committee Hearings: House Natural Resources
Died in House Committee.

SB 295 Hager

LIMIT LIABILITY IN HAZARDOUS WASTE SPILL CLEAN-UPS

An act to provide limited civil liability to a person who provides advice, assistance, or action in response to an actual or threatened release of a hazardous substance.

Committee Hearings: Senate Natural Resources
House Natural Resources
Second Reading Votes: Senate 46-0
Third Reading Votes: Senate 45-2
Tabled in House Committee.

Hazardous Waste

PASSED

SB 321 Beck

GENERALLY REVISE HAZARDOUS WASTE ACT, INCLUDING UNDERGROUND TANKS AND RELATED FEES

An act to generally revise the Montana Hazardous Waste Act; to apply certain provisions specifically to underground storage tanks and regulated substances; to authorize notification and permit fees; to create an underground storage tank special revenue account; and providing an immediate effective date.

Amending sections 75-10-401 through 75-10-403, 75-10-405, 75-10-410, 75-10-411, 75-10-415, 75-10-416, and 75-10-420, MCA.

Committee Hearings: Senate Natural Resources
House Natural Resources
Second Reading Votes: Senate 39-0; House 82-6
Third Reading Votes: Senate 44-6; House 92-4

SB 371 Hager

GENERALLY REVISING THE MONTANA HAZARDOUS WASTE ACT

An act to generally revise the Montana Hazardous Waste Act; providing for off-site corrective action; augmenting investigative and enforcement authority; increasing criminal penalties; conforming the act to certain of the 1984 amendments to the federal Resource Conservation and Recovery Act; and providing an immediate effective date.

Amending sections 75-10-402, 75-10-404, 75-10-406, 75-10-411, 75-10-413, 75-10-415, 75-10-417, and 75-10-418, MCA.

Committee Hearings: Senate Natural Resources
House Natural Resources
Second Reading Votes: Senate 50-0; House 85-0
Third Reading Votes: Senate 48-2; House 95-1

KILLED

HB 538 Harper

GENERALLY REVISE HAZARDOUS WASTE ACT, WITH APPLICABILITY TO UNDERGROUND TANKS

An act to generally revise the Montana Hazardous Waste Act; to apply certain provisions specifically to underground storage tanks and regulated substances; to create an underground storage tank special revenue account; and providing an immediate effective date.

Amending sections 75-10-401 through 75-10-403, 75-10-405, 75-10-410, 75-10-411, 75-10-415, 75-10-416, and 75-10-420, MCA.

Committee Hearings: House Natural Resources
Died in House Committee.

HB 676 Raney

INFECTIOUS WASTE MANAGEMENT ACT

An act establishing management standards for infectious waste; requiring permits for commercial infectious waste management facilities and transporters; establishing fees and permits for infectious waste management and transport; creating an infectious waste management special revenue account; requiring facilities to appoint an infectious waste manager and to submit reports; establishing infectious waste management regions; authorizing the Department of Health and Environmental Sciences to conduct inspections, collect samples, and examine records; establishing a moratorium on additional commercial management of infectious waste until regulations are adopted; providing additional air quality permit requirements for certain commercial facilities that incinerate infectious waste; and providing applicability dates, a retroactive applicability date for the infectious waste management fee, and an immediate effective date.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 83-9; Senate 23-25
Third Reading Votes: House 92-7
Senate Second Reading Indefinitely Postponed: 28-21.

Solid Waste

PASSED

HB 752 Raney

SOLID WASTE MANAGEMENT ACT

An act establishing a solid waste management fee for the incineration or disposal of solid waste transported between regions; providing for a waiver of the fee when the incineration or disposal is consistent with specified criteria; exempting existing solid waste incineration and disposal from the fee; establishing a solid waste management account; establishing solid waste management regions; providing penalties for failure to pay the solid waste management fee; requiring local approval for incineration or disposal of solid waste generated outside the region; establishing a moratorium on transport of solid waste into Montana; providing a civil penalty and administrative enforcement for violations of solid waste disposal laws and rules; providing additional air quality permit requirements for certain solid waste incinerators; and providing an immediate effective date.

Amending sections 75-10-104, 75-10-105, and 75-10-214, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources

Second Reading Votes: House 89-2; Senate 48-0

Third Reading Votes: House 92-5; Senate 46-2

Senate amended, House not concurred 88-8.

Free Conference Committee: House 87-5; Senate 48-0.

HB 780 Darko

JUNK VEHICLE FUNDING

An act allowing the Department of Health and Environmental Sciences authority to establish junk vehicle rules no later than July 1, 1990; and providing an immediate effective date.

Committee Hearings: House Appropriations

Second Reading Votes: House 51-43; Senate 50-0

Third Reading Votes: House 51-44; Senate 49-0

Senate amended, House concurred 71-22.

SJ 13 Meyer

JOINT RESOLUTION TO ENCOURAGE RECYCLING, LITTER CLEAN-UP

A Joint Resolution of the Senate and the House of Representatives of the State of Montana supporting and commending groups and projects that promote recycling and litter abatement.

Committee Hearings: Senate Business and Industry
House Natural Resources

Second Reading Votes: Senate 38-0; House 93-2

Third Reading Votes: Senate 50-0; House 96-1

House amended, Senate concurred 48-0.

SJ 19 Story

STUDY SOLID WASTE REGULATION

A Joint Resolution of the Senate and the House of Representatives of the State of Montana directing the Environmental Quality Council to study the regulation and management of solid waste and related effects on ground water quality and air quality; and requiring the Environmental Quality Council to report its findings and recommendations to the 52nd Legislature.

Committee Hearings: Senate Natural Resources
House Natural Resources

Second Reading Votes: Senate 50-0; House 91-5

Third Reading Votes: Senate 46-4; House 94-4

House amended, Senate concurred 50-0.

KILLED

HB 485 Cohen

VEHICLE WRECKING FACILITY COMPLIANCE WITH PLANNING AND ZONING

An act requiring motor vehicle wrecking facilities to comply with applicable planning and zoning requirements; providing for a public hearing on the licensing of a facility; requiring notification by mail of adjacent property owners before a facility is licensed.

Amending sections 75-10-503, 75-10-511, and 75-10-514, MCA.

Committee Hearings: House Local Government
Tabled in House Committee.

HB 672 Cohen

RESTRICTING EXEMPTION FROM SOLID WASTE DISPOSAL REGULATIONS TO INDIVIDUALS

An act specifying that the exclusion in the Montana Solid Waste Management Act applies only to the disposal of solid waste that was generated in reasonable association with an individual's household or agricultural operations or with a corporation's agricultural or forest products operations; providing a civil penalty for violations of solid waste disposal laws and rules; and providing an applicability date and an immediate effective date.

Amending section 75-10-214, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources

Second Reading Votes: House 92-5

Third Reading Votes: House 94-5

Senate Adverse Committee Report Adopted 41-6.

HB 698 Campbell

GIVING COUNTIES AUTHORITY OVER AUTO WRECKING FACILITIES AND GRAVEYARDS

An act transferring authority over motor vehicle wrecking facilities and motor vehicle graveyards from the Department of Health and Environmental Sciences to the counties; allocating 5 percent of the money collected to the Department of Health and Environmental Sciences; and providing an effective date.

Amending sections 75-10-511, 75-10-513, 75-10-521, 75-10-531, and 75-10-532, MCA; repealing section 75-10-534, MCA.

Committee Hearings: House Local Government
Tabled in House Committee.

SB 119 Harding

ALLOW INCREASED STATE PAYMENTS TO COUNTIES FOR JUNK VEHICLE PROGRAMS

An act to allow the Department of Health and Environmental Sciences to grant counties additional junk vehicle funds for special junk vehicle collection projects; to clarify the type of vehicle used to determine the amount of the junk vehicle

collection and graveyard budget in each county; and providing an effective date.

Amending section 75-10-534, MCA.

Committee Hearings: Senate Local Government
House Local Government

Second Reading Votes: Senate 42-0; House 38-53

Third Reading Votes: Senate 47-3

WATER

Appropriation and Adjudication

PASSED

HB 399 O'Keefe

GENERALLY REVISES WATER USE LAWS

An act generally revising the water use laws; requiring a possessory interest in the property on which water will be applied in order to obtain a permit or to appropriate groundwater; modifying the criteria for issuing a permit and for approving a change application; clarifying the jurisdiction of a water commissioner to maintain headgates; and providing an immediate effective date.

Amending sections 85-2-306, 85-2-311, 85-2-402, and 85-5-302, MCA.

Committee Hearings: House Natural Resources
Senate Agriculture

Second Reading Votes: House 93-0; Senate 45-4

Third Reading Votes: House 97-0; Senate 41-8

HB 413 Westlake

RESTRICTS DNRC'S AUTHORITY TO APPLY TO DISTRICT COURT FOR A WATER COMMISSIONER

An act allowing the Department of Natural Resources and Conservation, in conjunction with one or more holders of valid water rights in the source, to apply to the district court for appointment of a water commissioner in a source or area where a final decree has been issued; providing that the Department may be included in the apportionment of costs if it applies for appointment of a water commissioner; and providing an immediate effective date.

Amending 85-5-101, MCA.

Committee Hearings: House Natural Resources
Senate Agriculture

Second Reading Votes: House 89-2; Senate 47-2

Third Reading Votes: House 93-3; Senate 47-2
Senate amended, House concurred 96-2.

HB 463 Thoft

AMENDS WATER COMMISSIONER LAWS TO ALLOW MEDIATION IN A BASIN & FEES TO DNRC

An act allowing a district court to appoint a water mediator to mediate a water controversy in a nondecreed basin; establishing an educational program for water commissioners and mediators; providing an appropriation; and providing an immediate effective date.

Committee Hearings: House Natural Resources
House Appropriations
Senate Agriculture

Second Reading Votes: House 89-6; Senate 49-0

Third Reading Votes: House 87-10; Senate 46-2

Senate amended, House concurred 96-0.

HB 542 Guthrie

CHANGES BURDEN OF PROOF FOR CERTAIN WATER PERMIT CRITERIA

An act requiring an applicant for a water use permit to submit independent evidence to meet the substantial credible evidence standard; and providing an immediate effective date.

Amending section 85-2-311, MCA.

Committee Hearings: House Natural Resources
Senate Agriculture

Second Reading Votes: House 95-0; Senate 28-8

Third Reading Votes: House 95-1; Senate 34-15

Senate amended, House concurred 92-1.

HB 707 Iverson

ALLOW LEASING FOR INSTREAM PURPOSES BY FISH, WILDLIFE, AND PARKS

An act providing for a thorough study that includes a pilot program to lease water rights for the purpose of maintaining or enhancing streamflows for the benefit of fisheries in stream reaches designated by the Board of Natural Resources and Conservation; specifying that the Department of Fish, Wildlife and Parks is the lessee and allowing the Department to accept contributions from public or private entities for the propose of acquiring leases; requiring the Department of Fish, Wildlife, and Parks and the Department of Natural Resources and Conservation to

complete a study report by December 1, 1990, that includes recommendations on water leasing for streamflows under this act; appropriating federal special revenue to the Department of Fish, Wildlife, and Parks to undertake a water leasing study; and providing an immediate effective date and a termination date.

Amending sections 85-2-102, 85-2-402, and 85-2-404, MCA.

Committee Hearings: House Natural Resources
Senate Agriculture

Second Reading Votes: House 64-35; Senate 28-21

Third Reading Votes: House 63-34; Senate 28-21

Senate amended, House not concurred 64-31.

Free Conference Committee: House 58-35; Senate 32-18

SB 166 Bengtson

PROVIDES FOR ADMINISTRATION OF TEMPORARY PRELIMINARY AND PRELIMINARY DECREES

An act providing for administration of temporary preliminary and preliminary decrees by the district courts; providing that for purposes of administering water rights, the prima facie status of a claim is superseded by the issuance of a temporary preliminary decree or a preliminary decree, as modified after objections and hearings; and providing an effective date and retroactive and prospective applicability.

Amending sections 3-7-201, 3-7-211, 3-7-212, 3-7-501, 85-2-227, 85-2-406, and 85-5-101, MCA; repealing section 3-7-213, MCA.

Committee Hearings: Senate Agriculture
House Judiciary

Second Reading Votes: Senate 42-1; House 86-8

Third Reading Votes: Senate 47-2; House 82-16

House amended, Senate concurred 49-0.

SB 167 Bengtson

REOPENS WATER RIGHT DECREES FOR OBJECTIONS ON ISSUES NOT PREVIOUSLY RESOLVED

An act requiring the water courts to reopen and review all preliminary decrees and final decrees according to certain procedures and limitations; and providing an effective date and retroactive applicability.

Committee Hearings: Senate Agriculture
House Judiciary

Second Reading Votes: Senate 48-0; House 86-8

Third Reading Votes: Senate 49-0; House 74-22

House amended, Senate concurred 49-0.

SB 168 Bengtson

ALLOWS CORRECTION OF CLERICAL MISTAKES IN FINAL DECREES OF WATER RIGHTS

An act providing for correction of clerical mistakes in a final decree by the water judge; requiring that the final decree establish a tabulation of water rights and their relative priorities; and providing retroactive and prospective applicability.

Amending section 85-2-234, MCA.

Committee Hearings: Senate Agriculture
House Judiciary

Second Reading Votes: Senate 50-0; House 90-2

Third Reading Votes: Senate 50-0; House 93-2

House amended, Senate concurred 48-1.

SB 169 Bengtson

PROVIDES FOR TEMPORARY PRELIMINARY DECREES AND FOR OBJECTIONS ON THE DECREES

An act providing that a water judge may issue a temporary preliminary decree if the decree is necessary for the orderly adjudication or administration of water rights; providing for objections and hearings on temporary preliminary decrees; increasing the time limit for requesting a hearing on a temporary preliminary decree or a preliminary decree; and providing an effective date and an applicability date.

Amending sections 85-2-231 through 85-2-233 and 85-2-235, MCA.

Committee Hearings: Senate Agriculture
House Judiciary

Second Reading Votes: Senate 48-0; House 77-15

Third Reading Votes: Senate 49-0; House 75-21

House amended, Senate concurred 48-0.

SB 183 Abrams

INCLUDES LITTLE MISSOURI RIVER BASIN IN THE WATER RESERVATION PROCESS

An act including the Little Missouri River basin in the water reservation process; establishing a July 1, 1989, priority date

for reservations in the Little Missouri River basin; establishing a July 1, 1992, deadline for reservation determinations in the Missouri River basin above Fort Peck Dam and a December 31, 1993, deadline for reservation determinations in the Little Missouri River basin; and providing an immediate effective date.

Amending section 85-2-331, MCA.

Committee Hearings: Senate Agriculture
House Natural Resources
Second Reading Votes: Senate 44-0; House 93-2
Third Reading Votes: Senate 50-0; House 90-3

SB 390 Galt

*ALLOWS INTERIM PERMIT TO APPROPRIATE WATER FROM COAL MINES NEAR
ROUNDUP*

An act allowing the Department of Natural Resources and Conservation to issue an interim permit for a period ending no later than September 30, 1991, to appropriate ground water up to 6,000 acre-feet per year from abandoned coal mines in Musselshell County.

Committee Hearings: Senate Agriculture
House Natural Resources
Second Reading Votes: Senate 50-0; House 61-36
Third Reading Votes: Senate 50-0; House 58-39
House amended, Senate concurred 49-0.

SB 447 Yellowtail

*ESTABLISHES PROCESS AND PRIORITY DATES FOR FUTURE WATER
RESERVATIONS*

An act establishing the priority of appropriation of a water reservation as the date of filing of a notice of intention to apply for a water reservation in a basin where a notice is not pending; enabling a potential water reservation applicant in the basin to receive the same priority of appropriation if a correct and complete application is filed within 1 year after the filing of the notice of intention to apply; allowing the Board of Natural Resources and Conservation to subordinate water reservations to water use permits with priority dates preceding the date of the Board order establishing water reservations; exempting existing water reservations, the ongoing Missouri River Basin proceedings, and any pending water reservation applications from the requirements of this act; and providing an applicability date.

Amending section 85-2-316, MCA.

Committee Hearings: Senate Agriculture
House Natural Resources
Second Reading Votes: Senate 46-0; House 76-17
Third Reading Votes: Senate 49-1; House 75-22

KILLED

HB 584 Ream

ALLOWS OBJECTIONS BASED ON WATER QUALITY CONCERNS TO A WATER USE PERMIT

An act providing that issuance of a water use permit may not interfere unreasonably with the quality of an appropriator's domestic water supply or the ability of an objector to comply with the requirements of a water quality discharge permit; and providing an immediate effective date.

Amending sections 85-2-308 and 85-2-311, MCA.

Committee Hearings: House Natural Resources
Senate Agriculture
Second Reading Votes: House 79-5
Third Reading Votes: House 89-9
Died in Senate Committee.

HB 702 Cobb

ALLOWS LEASING FOR INSTREAM FLOWS DURING DROUGHT DISASTER OR EMERGENCY

An act providing that the Department of Fish, Wildlife, and Parks or the Department of Natural Resources and Conservation may lease existing water rights to protect instream flows if the area where the lease would be exercised is experiencing a state of disaster or emergency because of drought.

Amending section 85-2-404, MCA.

Committee Hearings: House Natural Resources
Tabled in House Committee.

SB 264 Bengtson

REQUIRES LANDOWNER CONSENT OR COURT ORDER FOR WATER PERMIT/CHANGE APPROVAL

An act requiring an applicant for a permit or change in appropriation right to have exclusive ownership in the diversion or development works, written consent of each person with rights to the diversion or development works, or a district court determination enabling the applicant to use the diversion or development works upon payment of just compensation; and providing an applicability date.

Amending sections 85-2-311 and 85-2-402, MCA.

Committee Hearings: Senate Agriculture
Died in Senate Committee.

SB 265 Bengtson

ALLOWS THE BOARD OF NATURAL RESOURCES TO REALLOCATE ANY WATER RESERVATION

An act allowing the Board of Natural Resources and Conservation to reallocate any water reservation if it finds that the reservation is not required for the purpose it was reserved for, and the need for the reallocation is shown to outweigh the need shown by the reservant; and providing an immediate effective date and an applicability date.

Amending section 85-2-316, MCA.

Committee Hearings: Senate Agriculture
Second Reading Votes: Senate 25-24
Third Reading Votes: Senate 24-26

SB 416 Anderson

CHANGES CONCLUSIVE PRESUMPTION TO REBUTTABLE FOR WATER RIGHTS ADJUDICATION

An act to provide for the acceptance of statements of claim to existing water rights filed after 5 p.m., April 30, 1982; establishing a basis for rebuttal of a presumption of abandonment of those water rights; and providing an immediate effective date and retroactive and prospective applicability.

Amending section 85-2-226, MCA.

Committee Hearings: Senate Agriculture
Died in Senate Committee.

SB 450 Yellowtail

CLARIFIES STATUS AND USE OF SALVAGED WATER UNDER MONTANA WATER LAW

An act clarifying the right to beneficially use salvaged water by defining "salvage" and allowing for the beneficial use of salvaged water under the process of a change in appropriation rights; and providing an immediate effective date.

Amending sections 85-2-102 and 85-2-402, MCA.

Committee Hearings: Senate Agriculture
House Natural Resources
Second Reading Votes: Senate 46-0; House 80-14
Third Reading Votes: Senate 48-2; House 79-18
House amended, Senate not concurred 27-19.
Died in Process.

Development and Irrigation

PASSED

HB 367 O'Keefe

PURCHASE OF ENCUMBERED PROP. WITH WATER DEVELOPMENT FUNDS AND BOND PROCEEDS

An act to permit funds from the water development state special revenue account and the water development account to be used, under certain conditions, to protect the state's interest in property for which a water development loan has been secured; to create the water development loan loss reserve fund; and providing an immediate effective date.

Amending sections 85-1-102, 85-1-603, 85-1-604, 85-1-613, 85-1-615, 85-1-617, 85-1-618, and 85-1-623, MCA.

Committee Hearings: House Natural Resources
Senate Agriculture
Second Reading Votes: House 87-4; Senate 48-1
Third Reading Votes: House 92-2; Senate 48-1
Senate amended, House concurred 96-0.

HB 461 , Ream

ENCOURAGES WATER DEVELOPMENT PROJECTS OR PROGRAMS THAT IMPROVE EFFICIENCY

An act to encourage water use efficiency projects or programs under the Montana Water Development Program.

Amending sections 85-1-602 and 85-1-604, MCA.

Committee Hearings: House Natural Resources
Senate Agriculture

Second Reading Votes: House 95-0; Senate 48-0

Third Reading Votes: House 98-1; Senate 50-0

HB 650 Swysgood

AUTHORIZES IRRIGATION DISTRICT SUBDISTRICTS

An act authorizing the Board of Commissioners of an irrigation district to create a subdistrict within the district; providing for the construction of irrigation improvements within a subdistrict and for the issuance of bonds to finance the improvements; allowing the private sale of bonds of irrigation districts to certain governmental entities; clarifying that bonds of irrigation districts issued to the State of Montana and its agencies and departments do not constitute indebtedness; allowing special assessments or levies on property owners within a subdistrict; and revising other provisions relating to irrigation districts to allow for subdistricts; and providing an immediate effective date.

Amending sections 85-7-1904, 85-7-1907, 85-7-1908, 85-7-1910, 85-7-1911, 85-7-1921, 85-7-2001, 85-7-2012 through 85-7-2014, 85-7-2019, 85-7-2021, 85-7-2023, 85-7-2101 through 85-7-2104, 85-7-2107 through 85-7-2110, 85-7-2112, and 85-7-2114 through 85-7-2116, MCA.

Committee Hearings: House Agriculture
Senate Agriculture

Second Reading Votes: House 97-0; Senate 48-0

Third Reading Votes: House 96-0; Senate 49-0

HB 760 Hannah

*APPROPRIATES FUNDS FOR FEASIBILITY STUDY OF A BILLINGS-AREA
RESERVOIR SITE*

An act appropriating money to Eastern Montana College to fund an economic analysis of a Billings-area reservoir site for recreation or other purposes; and funding an economic analysis of the current monetary value of the commitment by the United States Congress pursuant to the Pick-Sloan Missouri Basin Program establishing by the Flood Control Act of 1944.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 85-12; Senate 49-0
Third Reading Votes: House 81-17; Senate 43-6
Senate amended, House concurred 78-15.

HB 775 Connelly

WATER DEVELOPMENT LOANS AND GRANTS

An act to appropriate money to the Department of Natural Resources and Conservation for loans and grants under the water development program and the renewable resource development program; to authorize loans from water development bond proceeds and appropriate funds for debt service; to reauthorize grants and loans approved by the 50th Legislature; to reallocate certain resource indemnity trust account interest income for water development program grants during the biennium ending June 30, 1991; to place certain conditions upon grants and loans; and providing an immediate effective date.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 98-0; Senate 49-0
Third Reading Votes: House 96-2; Senate 45-1
Senate amended, House concurred 92-7.

HB 778 Connelly

WATER DEVELOPMENT LOANS

An act to appropriate money to the Department of Natural Resources and Conservation for loans under the water development program; to approve the issuance of coal severance tax bonds to provide funds for loans to political subdivisions and local governments for certain approved water development projects; to reauthorize coal severance tax bonds for certain projects approved by the 50th Legislature; to appropriate coal severance

tax income for debt service; to authorize the creation of a state debt; to place certain conditions upon loans; and providing an immediate effective date.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 88-7; Senate 49-0
Third Reading Votes: House 92-6; Senate 47-1

HJ 22 Ream

ASK CONGRESS TO FUND REHABILITATION OF IRRIGATION PROJECTS

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging Congress to authorize the use of Pick-Sloan Missouri Basin funds for rehabilitating irrigation project facilities in the Upper Missouri Basin states and Pick-Sloan Missouri Basin power for irrigation pumping for irrigation projects in the Upper Missouri Basin states.

Committee Hearings: House Agriculture
Senate Agriculture
Second Reading Votes: House 89-2; Senate 48-0
Third Reading Votes: House 93-3; Senate 50-0
Senate amended, House concurred 91-2.

SB 432 Bengtson

MAKES TECHNICAL CHANGES TO IRRIGATION DISTRICT LAWS

An act making technical changes to the irrigation district laws; modifying the requirements for commissioners of irrigation districts and the process for appointing a commissioner to fill a vacancy on the board of commissioners; clarifying the qualifications of electors; revising voting procedures; allowing a county treasurer to receive assistance from an irrigation district employee or commissioner for certain district-related tax functions; defining irrigable land.

Amending sections 85-7-1501, 85-7-1703, 85-7-1710, and 85-7-2136, MCA.

Committee Hearings: Senate Agriculture
House Agriculture
Second Reading Votes: Senate 46-0; House 88-10
Third Reading Votes: Senate 50-0; House 87-10
House amended, Senate concurred 49-0.

KILLED

HB 261 Hansen, S.

CITY WATER SYSTEM THROUGH POWER OF CONDEMNATION

An act providing for the acquisition of a city water supply system through the power of condemnation.

Amending section 7-5-4106, MCA.

Committee Hearings: House Local Government
Tabled in House Committee.

HB 498 Grady

REQUIRES AFFIXATION OF WELL LOG INFORMATION TO RESIDENTIAL WATER WELLS

An act requiring well log information to be permanently affixed to a residential water well by the water well contractor or driller; requiring the Board of Water Well Contractors to adopt rules to address this requirement.

Amending section 37-43-202, MCA.

Committee Hearings: House Natural Resources
Tabled in House Committee.

Quality

PASSED

HB 167 Stickney

ALLOWING DHES, NOT BHES, TO SET FEES FOR PUBLIC WATER SUPPLY RATES

An act to allow the Department of Health and Environmental Sciences, rather than the Board of Health and Environmental Sciences, to set fees for public water supply tests performed by the Department; and providing in immediate effective date.

Amending sections 50-1-202 and 75-6-103, MCA

Committee Hearings: House State Administration
Senate State Administration
Second Reading Votes: House 94-2; Senate 47-0
Third Reading Votes: House 90-6; Senate 48-2
Senate amended, House concurred 89-0.

HB 329 Daily

APPROPRIATE FUNDS FOR AN UPPER CLARK FORK RIVER BASIN COORDINATOR

An act to appropriate funds from either the Resource Indemnity Trust Reclamation and Development grants special revenue account or the Resource Indemnity Trust Water Development special revenue account to the Department of Natural Resources and Conservation to be awarded to the Butte-Silver Bow City-County government for hiring an Upper Clark Fork Basin Coordinator.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 90-5; Senate 37-10
Third Reading Votes: House 71-26; Senate 35-15

HB 482 Cocchiarella

ALLOW LOCAL REVIEW OF PUBLIC NONCOMMUNITY WATER AND SEWER SYSTEMS

An act to allow the Department of Health and Environmental Sciences to delegate review powers to qualified local governments for small public water and sewer projects; to allow the Board of Health and Environmental Sciences to adopt rules relating to the delegation of review.

Amending section 75-6-102, MCA.

Committee Hearings: House Local Government
Senate Natural Resources
Second Reading Votes: House 92-4; Senate 47-0
Third Reading Votes: House 90-7; Senate 49-0

HB 486 Grady

REQUIRE GROUNDWATER MONITORING AT CERTAIN LANDFILLS AND WASTE DISPOSAL SITES

An act to require groundwater monitoring at certain municipal solid waste landfills and waste disposal sites.

Amending sections 75-10-203 and 75-10-204, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 67-29; Senate 30-16
Third Reading Votes: House 69-28; Senate 36-13
Senate amended, House not concurred 53-45.
Free Conference Committee: House 53-43; Senate 46-4

HB 540 Raney

REQUIRES DHES APPROVAL OF WATER SUPPLY AND SEWAGE PLANS BEFORE CONSTRUCTION

An act clarifying that the Department of Health and Environmental Sciences shall approve a water supply, water distribution, sewer, drainage, wastewater, or sewage disposal system before its construction, alteration, or extension is commenced; prohibiting violation of the law or rules protecting public water supplies or of the terms of an approval issued relating to public water supplies.

Amending section 75-6-112, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 93-7; Senate 47-0
Third Reading Votes: House 88-9; Senate 46-3

HB 601 O'Keefe

CREATING A WASTEWATER TREATMENT WORKS REVOLVING LOAN PROGRAM

An act creating a wastewater treatment works revolving loan program; establishing a wastewater treatment works revolving fund; authorizing the acceptance of federal capitalization grants under the federal Clean Water Act; authorizing the Department of Natural Resources and Conservation and the Department of Health and Environmental Sciences to administer the program; authorizing the issuance of general obligation bonds to fund the state's share of the revolving fund; statutorily appropriating to the Department of Natural Resources and Conservation and the Department of Health and Environmental Sciences money received under the program; and providing an effective date.

Amending section 17-7-502, MCA.

Committee Hearings: House Appropriations
Senate Finance and Claims
Second Reading Votes: House 97-0; Senate 49-0
Third Reading Votes: House 95-2; Senate 50-0

HB 684 Grinde

AMEND THE FOOD, DRUG, AND COSMETIC ACT TO INCLUDE BOTTLED WATER

An act to amend the Montana Food, Drug, and Cosmetic Act to include regulation of bottled water.

Amending sections 50-31-103, 50-31-110, 50-31-208, and 50-31-312, MCA.

Committee Hearings: House Human Services
Senate Public Health, Welfare & Safety
Second Reading Votes: House 93-4; Senate 50-0
Third Reading Votes: House 95-4; Senate 49-1

HB 727 Marks

SETS REQUIREMENTS FOR MONITORING WELL STANDARDS AND LICENSES

An act redefining "monitoring well"; requiring the Board of Water Well Contractors to adopt minimum standards for monitoring well construction, use, and abandonment; requiring certain persons to have a separate license to install monitoring wells; allowing education or experience to substitute for an apprenticeship for the purpose of obtaining a water well contractor's license, water well driller's license, or monitoring well constructor's license; modifying the bond requirement; applying the reciprocity law to out-of-state licensed monitoring well constructors; and providing an applicability date and an immediate effective date.

Amending sections 37-43-102, 37-43-202, 37-43-302, 37-43-305, 37-43-306, and 37-43-308, MCA; repealing section 16, chapter 538, Laws of 1987.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 92-2; Senate 47-0
Third Reading Votes: House 96-4; Senate 38-8
Senate amended, House concurred 91-0.

HB 754 Harper

ESTABLISHING RIVER RESTORATION PROGRAM THROUGH FISHING LICENSE FEE INCREASE

An act establishing a river restoration program and a river restoration account; funding the account through a 50-cent increase in the cost of a class A resident fishing license and a class AAA sportsman's license and a \$1 increase in the cost of a class B nonresident fishing license; and providing an effective date and an applicability date.

Amending section 8, chapter 636, Laws of 1987, and sections 87-2-301, 87-2-302, and 87-2-711, MCA.

Committee Hearings: House Natural Resources
Senate Agriculture

Second Reading Votes: House 55-40; Senate 30-14

Third Reading Votes: House 49-48; Senate 36-12

Senate amended, House concurred 81-16.

HB 757 Giacometto

CREATING AN AGRICULTURAL CHEMICAL GROUNDWATER PROTECTION PROGRAM

An act to establish an agricultural chemical ground water protection program to be administered by the Department of Agriculture and the Department of Health and Environmental Sciences; to require establishment of agricultural chemical ground water quality standards; to provide for ground water monitoring and agricultural chemical ground water management plans; to provide for enforcement authority, compliance orders, and penalties; to direct the Department of Health and Environmental Sciences to amend certain rules implementing the Water Quality Act; to establish additional fees for registration of pesticides and fertilizers; to create agricultural chemical ground water protection accounts; and providing a delayed effective date.

Amending sections 75-5-105, 75-5-301, 80-8-105, 80-8-107, and 80-8-305, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources

Second Reading Votes: House 96-1; Senate 48-1

Third Reading Votes: House 97-2; Senate 47-0

HJ 18 Menahan

URGES EPA TO REVISE LANDFILL REGULATIONS AND CONGRESS TO FUND IMPLEMENTATION

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the United States Environmental Protection Agency to consider the cost effects of its proposed regulations for solid waste landfills; and urging the United States Congress to provide the states with the financial resources necessary to implement any new regulations for solid waste landfills.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 92-1; Senate 47-0
Third Reading Votes: House 94-1; Senate 47-0

HJ 29 Raney

*OPPOSING CONGRESSIONAL LEGISLATION AUTHORIZING COAL SLURRY
PIPELINES*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana expressing the opposition of the Legislature to the use of Montana waters for the transportation of coal until Montana's water rights adjudication process is complete.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 92-4; Senate 49-0
Third Reading Votes: House 84-15; Senate 44-5

SB 227 Himsl

REVISING COMPOSITION OF THE FLATHEAD BASIN COMMISSION

An act revising the composition of the Flathead Basin Commission.

Amending section 2-15-213, MCA.

Committee Hearings: Senate State Administration
House Natural Resources
Second Reading Votes: Senate 49-0; House 77-15
Third Reading Votes: Senate 50-0; House 88-11

SJ 22 Harp

STUDY GROUNDWATER QUALITY MANAGEMENT

A Joint Resolution of the Senate and the House of Representatives of the State of Montana directing the Environmental Quality Council to study the protection and management of ground water quality; and directing the Environmental Quality Council to report its findings of the study to the 52nd Legislature.

Committee Hearings: Senate Agriculture
House Natural Resources
Second Reading Votes: Senate 49-0; House 88-7
Third Reading Votes: Senate 45-4; House 84-13

KILLED

HB 562 Wyatt

LOCAL GOVERNMENT REVIEW OF SMALL EXTENSIONS OF WATER AND SEWER SYSTEMS

An act authorizing local governments to review and approve extensions of water or sewer systems with 50 or fewer connections if the local government has qualified personnel to do the review; providing that the Department of Health and Environmental Sciences has 10 days to approve or disapprove a local government review.

Amending section 76-4-128, MCA.

Committee Hearings: House Local Government
Tabled in House Committee.

HB 584 Ream

ALLOWS OBJECTIONS BASED ON WATER QUALITY CONCERNS TO A WATER USE PERMIT

An act providing that issuance of a water use permit may not interfere unreasonably with the quality of an appropriator's domestic water supply or the ability of an objector to comply with the requirements of a water quality discharge permit; and providing an immediate effective date.

Amending sections 85-2-308 and 85-2-311, MCA.

Committee Hearings: House Natural Resources
Senate Agriculture
Second Reading Votes: House 79-5
Third Reading Votes: House 89-9
Died in Senate Committee.

HB 609 Cohen

ESTABLISH WATER QUALITY REHABILITATION ACCOUNT

An act establishing a water quality rehabilitation account; requiring that fines and civil penalties collected for violations of Title 75, Chapter 5, be deposited in the water quality rehabilitation account; authorizing the Department of Health and

Environmental Sciences to spend the funds in the account; providing for statutory appropriation; providing that costs and expenses recovered by the Department under section 75-5-635, MCA, that were financed by the water quality rehabilitation account must be deposited in the account; and providing an effective date.

Amending sections 17-7-502, 75-5-634, and 75-5-635, MCA.

Committee Hearings: House Appropriations
Senate Finance and Claims

Second Reading Votes: House 96-0

Third Reading Votes: House 93-5

Senate Adverse Committee Report Adopted 41-7.

HB 728 O'Keefe

REQUIRE A WATER RESOURCES RECLAMATION BOND FROM COAL AND HARD ROCK MINERS

An act requiring an operator of a coal mine and a person applying for an exploration license or permit to operate a metal mine to file a water resources reclamation bond; establishing conditions for determining the amount of a bond and for releasing a bond; establishing additional conditions for an operator of a coal mine to obtain a future permit if a bond is forfeited; prohibiting a metal mine operator from obtaining future exploration licenses and operating permits if a bond is forfeited; authorizing the Board of Land Commissioners and the Department of State Lands to reclaim water resources if a bond is forfeited.

Amending sections 82-4-202, 82-4-222, 82-4-223, 82-4-225, 82-4-227, 82-4-232, 82-4-240, 82-4-251, 82-4-332, 82-4-335, 82-4-336, and 82-4-338, MCA.

Committee Hearings: House Natural Resources
Died in House Committee.

HB 756 Mercer

FUND THE MONTANA BIOLOGICAL STATION AT YELLOW BAY

An act appropriating money from the General Fund and from the Department of Fish, Wildlife, and Parks to the University of Montana for acquisition of equipment and hiring of administrative and scientific personnel for the University of Montana Biological Station at Yellow Bay on Flathead Lake.

Committee Hearings: House Appropriations
Died in House Committee.

Stream Access

PASSED

HB 655 Harper

SMITH RIVER MANAGEMENT ACT

An act providing for the administration and regulation of floating, camping, and recreational use of a portion of the Smith River waterway; providing for adoption of rules regulating recreational use; providing for protection of landowner property rights and water rights; allowing for user fees by rule and allocating the fees; providing a penalty for violation; and providing an immediate effective date.

Committee Hearings: House Fish and Game
Senate Agriculture

Second Reading Votes: House 87-10; Senate 48-0

Third Reading Votes: House 90-8; Senate 48-1

Senate amended, House concurred 88-5.

Other

PASSED

HB 471 Glaser

WATER DISTRICT MAY GET PREDECESSOR WATER ASSN PROPERTY BY EMINENT DOMAIN

An act allowing a county water or sewer district that was formed from a private, nonprofit water association to acquire property from the association by eminent domain; and providing an immediate effective date.

Amending section 7-13-2218, MCA.

Committee Hearings: House Local Government
Senate Judiciary

Second Reading Votes: House 84-8; Senate 47-0

Third Reading Votes: House 92-4; Senate 45-2

SB 386 Galt

ALLOWS LEGISLATURE TO REVISE THE STATE WATER PLAN

An act allowing the legislature to revise the state water plan.

Amending section 85-1-203, MCA.

Committee Hearings: Senate Agriculture
House Agriculture

Second Reading Votes: Senate 46-0; House 81-8

Third Reading Votes: Senate 50-0; House 83-14

KILLED

HB 462 Harper

PROVIDES FOR COMPREHENSIVE STATE DROUGHT RESPONSE AND DROUGHT COMMISSION

An act providing for a comprehensive state drought mitigation program; creating a drought policy commission; requiring the governor to designate priority basins and specifying the governor's powers in regard to drought disaster; and providing an immediate effective date.

Committee Hearings: House Natural Resources
House Appropriations
Senate Agriculture

Second Reading Votes: House 80-9

Third Reading Votes: House 69-25

Died in Senate Committee.

WEED AND PEST CONTROL

PASSED

HB 160 Steppler

COUNTY ATTORNEY IS LEGAL ADVISER TO COUNTY WEED DISTRICTS

An act to provide that the county attorney is the legal adviser to a county weed district.

Amending sections 7-4-2711 and 7-22-2103, MCA.

Committee Hearings: House Local Government
Senate Agriculture

Second Reading Votes: House 93-1; Senate Consent Cal.

Third Reading Votes: House 96-1; Senate 50-0

HB 165 Ellison

REGISTRATION OF OFF-HIGHWAY VEHICLES

An act requiring payment of registration, special weed control, and decal fees for off-highway vehicles; requiring a certificate of ownership; providing for licensing of off-highway vehicle dealers; creating an off-highway vehicle recreational use account; and providing a delayed effective date.

Amending sections 23-2-801, 23-2-803, 23-2-804, 23-2-806, 23-2-807, and 61-3-510, MCA; repealing section 23-2-805, MCA.

Committee Hearings: House Highways and transportation
Senate Highways

Second Reading Votes: House 60-31; Senate 49-0

Third Reading Votes: House 70-25; Senate 45-2

Senate amended, House not concurred 71-16.

Free Conference Committee: House 88-10; Senate 43-3

HB 170 Hayne

*MAKE DISCRETIONARY DEPARTMENT OF AGRICULTURE DUTIES ON CROP
INSECT DETECTION AND MANAGEMENT*

An act to make discretionary rather than mandatory the duties of the Department of Agriculture with respect to crop insect detection and management; and providing an immediate effective date.

Amending section 80-7-503, MCA.

Committee Hearings: House Agriculture
Senate Agriculture

Second Reading Votes: House 63-36; Senate Consent Cal.

Third Reading Votes: House 68-29; Senate 50-0.

HB 190 Hanson, M.

GENERALLY REVISE MONTANA PESTICIDES ACT

An act to generally revise certain provisions of the Montana Pesticides Act; providing when certain expenses may be included in educational program fees; increasing certain registration and licensing fees; clarifying applicator responsibility for operators; clarifying general violations; and providing an effective date.

Amending sections 80-8-109, 80-8-201, 80-8-203, 80-8-207, and 80-8-305, MCA.

Committee Hearings: House Agriculture
Senate Agriculture

Second Reading Votes: House 87-5; Senate 50-0

Third Reading Votes: House 91-5; Senate 50-0

HB 360 Connelly

ESTABLISH THE MONTANA MINT COMMITTEE

An act establishing the Montana Mint Committee under the administration of the Department of Agriculture; providing for the makeup and compensation of the mint committee; providing for an integrated pest management program for the control and monitoring of mint diseases and pests; assessing Montana mint growers on the amount of mint oil sold; establishing the mint

account in the special revenue fund; establishing licensure for mint oil purchasers; providing penalties; exempting this act from the provisions of the sunrise law; and providing an effective date.

Committee Hearings: House Agriculture
Senate Agriculture
Second Reading Votes: House 84-13; Senate 48-2
Third Reading Votes: House 86-9; Senate 46-4

HB 477 Grady

REVISE FUNDING FOR NOXIOUS WEED MANAGEMENT TRUST FUND

An act revising the funding for the noxious weed management trust fund; adding \$1 to the fee in lieu of tax on off-highway vehicles for the noxious weed management trust fund; increasing the weed control fee on motor vehicles; and providing an effective date.

Amending sections 23-2-803 and 61-3-510, MCA.

Committee Hearings: House Agriculture
Senate Agriculture
Second Reading Votes: House 71-24; Senate 39-8
Third Reading Votes: House 68-28; Senate 38-11

HB 757 Giacometto

CREATING AN AGRICULTURAL CHEMICAL GROUNDWATER PROTECTION PROGRAM

An act to establish an agricultural chemical ground water protection program to be administered by the Department of Agriculture and the Department of Health and Environmental Sciences; to require establishment of agricultural chemical ground water quality standards; to provide for ground water monitoring and agricultural chemical ground water management plans; to provide for enforcement authority, compliance orders, and penalties; to direct the Department of Health and Environmental Sciences to amend certain rules implementing the Water Quality Act; to establish additional fees for registration of pesticides and fertilizers; to create agricultural chemical ground water protection accounts; and providing a delayed effective date.

Amending sections 75-5-105, 75-5-301, 80-8-105, 80-8-107, and 80-8-305, MCA.

Committee Hearings: House Natural Resources
Senate Natural Resources
Second Reading Votes: House 96-1; Senate 48-1
Third Reading Votes: House 97-2; Senate 47-0

SJ 11 Beck

*URGE CONGRESS AND USDA TO SUPPORT RESEARCH TO MAINTAIN
RODENTICIDE REGISTRATIONS*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the U.S. Congress and the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS) to support, through appropriate funding, Montana's and other western states' research efforts to provide required data to the Environmental Protection Agency (EPA) to maintain certain rodenticide registrations.

Committee Hearings: Senate Agriculture
House Agriculture

Second Reading Votes: Senate Consent Cal.; House 79-0

Third Reading Votes: Senate 47-0; House 95-0

KILLED

SB 254 Hofman, S.

LIABILITY FOR TRANSFER OF LAND CONTAINING NOXIOUS WEEDS

An act to provide civil liability for failure to notify a purchaser of real property of the presence of noxious weeds on the property.

Committee Hearings: Senate Agriculture
Died in Senate Committee.

SUMMARY OF NATURAL RESOURCE LEGISLATION

| Subject | <u>Bills and Resolutions</u> | | | Passed Both Houses | <u>Killed in</u> | |
|---|------------------------------|-----------|-----------|--------------------------|------------------|----------|
| | Introduced | House | Senate | | House | Senate |
| Air Quality | 6 | 3 | 3 | 4 | 2 | 0 |
| Energy | | | | | | |
| Major Facility Siting | 1 | 0 | 1 | 0 | 1 | 0 |
| Renewable Energy and Conservation | 3 | 2 | 1 | 1 | 0 | 0 |
| Other | 2 | 1 | 1 | 2 | 0 | 0 |
| Total | 6 | 3 | 3 | 3 | 1 | 0 |
| Environmental Quality | | | | | | |
| Administration | 7 | 6 | 1 | 7 | 0 | 0 |
| MEPA | 1 | 0 | 1 | 0 | 1 | 0 |
| Total | 8 | 6 | 2 | 7 | 1 | 0 |
| Fish and Wildlife | | | | | | |
| Hunting, Fishing, Trapping, Outfitting | 32 | 17 | 15 | 18 | 8 | 5 |
| General | 12 | 9 | 3 | 7 | 3 | 2 |
| Total | 44 | 26 | 18 | 25 | 11 | 7 |
| Land Use | | | | | | |
| Eminent Domain | 3 | 2 | 1 | 1 | 1 | 1 |
| Forest Lands | 16 | 11 | 5 | 8 | 6 | 2 |
| Local Government Regulation | 10 | 8 | 2 | 2 | 7 | 1 |
| Parks and Recreation | 1 | 1 | 0 | 1 | 0 | 0 |
| State and Public Lands | 6 | 3 | 3 | 4 | 2 | 0 |
| Other | 6 | 5 | 1 | 0 | 4 | 2 |
| Total | 42 | 30 | 12 | 16 | 36 | 6 |

| Subject | <u>Bills and Resolutions</u> | | | Passed Both Houses | <u>Killed in</u> | |
|--|------------------------------|-----------|-----------|--------------------------|------------------|----------|
| | Introduced | House | Senate | | House | Senate |
| Mineral Development | | | | | | |
| Exploration, Operation, and Reclamation | 16 | 12 | 4 | 12 | 3 | 1 |
| Local Impact Mitigation | 5 | 3 | 2 | 2 | 2 | 1 |
| Other | 2 | 1 | 1 | 1 | 0 | 1 |
| Total | 23 | 16 | 7 | 15 | 5 | 3 |
| Taxation of Minerals and Allocation of Mineral Revenues | | | | | | |
| Coal Severance Tax Rates | 2 | 1 | 1 | 1 | 0 | 1 |
| Other Mineral Tax Rates | 8 | 3 | 5 | 7 | 1 | 0 |
| Allocation of Coal Severance Tax Revenues | 6 | 4 | 2 | 3 | 2 | 1 |
| Allocation of Other Mineral Tax Revenues | 7 | 6 | 1 | 4 | 2 | 1 |
| Total | 23 | 14 | 9 | 15 | 5 | 3 |
| Solid Waste and Hazardous Materials Management | | | | | | |
| Hazardous Materials | 12 | 8 | 4 | 10 | 2 | 0 |
| Hazardous Waste | 4 | 2 | 2 | 2 | 2 | 0 |
| Solid Waste | 8 | 5 | 3 | 4 | 3 | 1 |
| Total | 24 | 15 | 9 | 16 | 7 | 1 |
| Water | | | | | | |
| Appropriation and Adjudication | 18 | 7 | 11 | 12 | 2 | 4 |
| Development and Irrigation | 10 | 9 | 1 | 8 | 2 | 0 |
| Quality | 19 | 17 | 2 | 14 | 3 | 2 |
| Stream Access | 1 | 1 | 0 | 1 | 0 | 0 |
| Other | 3 | 2 | 1 | 2 | 0 | 0 |
| Total | 51 | 36 | 15 | 37 | 7 | 7 |
| Weed and Pest Control | | | | | | |
| | 9 | 7 | 2 | 8 | 0 | 1 |

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